

EXHIBIT 64

Kim, Jane (USANYS) 4

From: Bove, Emil (USANYS)
Sent: Sunday, March 8, 2020 4:16 PM
To: Krouse, Michael (USANYS); Crowley, Shawn (USANYS); Lake, Stephanie (USANYS); Kim, Jane (USANYS) 4
Subject: RE: Defense letter re curative instruction

Thanks. I dropped Garrett from this. Can we please have the full thread with the January transmittal email + attachment?

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 4:07 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Garrett Lynch <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Defense letter re curative instruction

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 4:04 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Garrett Lynch <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Defense letter re curative instruction

Thanks. Can you send us the document itself?

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 08, 2020 4:04 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Garrett Lynch <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Defense letter re curative instruction

This is what they filed.

Michael Krouse
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2279

EXHIBIT 65

Kim, Jane (USANYS) 4

From: Lake, Stephanie (USANYS)
Sent: Sunday, March 8, 2020 4:20 PM
To: Bove, Emil (USANYS); Crowley, Shawn (USANYS)
Cc: Krouse, Michael (USANYS); Kim, Jane (USANYS) 4
Subject: FW: Sadr - wire transfers
Attachments: Commerz OFAC disclosure.pdf

This is the chain. None of us responded. I briefly discussed it with Garrett.

From: Lynch, Garrett <LynchG@dany.nyc.gov>
Sent: Friday, January 10, 2020 4:52 PM
To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Cc: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: RE: Sadr - wire transfers

In the spirit of closing the loop on the \$29M payment through Commerz, attached is the voluntary disclosure Commerze made to OFAC re: the payment.

From: Lake, Stephanie (USANYS) [<mailto:Stephanie.Lake@usdoj.gov>]
Sent: Friday, January 10, 2020 3:16 PM
To: Lynch, Garrett <LynchG@dany.nyc.gov>
Cc: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Sadr - wire transfers

Closing the loop on this– I found a document in the material Fuenmayor gave us that discusses the \$29 million transfer through Fondo Chino, and he also mentioned it in the last meeting. I think this should be helpful in tying the wire information we have showing the Fondo Chino transfer to PDVSA. The doc is attached, if anyone cares, but it's also en Espanol (I've requested translation). Pages 14-15.

From: Lynch, Garrett <LynchG@dany.nyc.gov>
Sent: Wednesday, January 08, 2020 12:46 PM
To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Cc: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: RE: Sadr - wire transfers

The Venezuelans used various state-owned “funds” and banks to fund various government projects, among them BANDES, the economic and social development bank (which, I believe made some early payments (not ours) related to the project), and Fondo Chino (the Chinese-Venezuelan Fund). Fondo Chino (at least ostensibly) was funded by oil sales to and loans from China (I think PDVSA and the government liberally moved money around). I forget exactly why Fondo Chino was used to make the first payment (or if we ever knew for sure) – my guess is that PDVSA, which controlled all oil-related funds (i.e., the Venezuelan purse), had adequate funds in the Fondo Chino account to make the payment from that account. I believe the money came from a Banco del Tesoro account in Venezuela, which had a correspondent relationship with Commerz in Germany. Thereafter, they used PDVSA accounts at Banco Espirito Santo in Portugal.

From: Lake, Stephanie (USANYS) [<mailto:Stephanie.Lake@usdoj.gov>]
Sent: Wednesday, January 8, 2020 11:02 AM
To: Lynch, Garrett <LynchG@dany.nyc.gov>

Cc: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: RE: Sadr - wire transfers

Found the first one. Thanks. Do you know why it came from "Fondo Chino" / what that is?

That's fine on two. Just wanted to make sure I wasn't missing some other records that would show that information.

Definitely agree on the third point.

Thank you!

From: Lynch, Garrett <LynchG@dany.nyc.gov>

Sent: Wednesday, January 08, 2020 10:04 AM

To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>

Cc: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>

Subject: RE: Sadr - wire transfers

1. Re: the first payment, there should be a copy of the SWIFT message in the Commerzbank production. In my version of the subpoena compliance production it's a PDF titled "Copy".

2. Re: the identity of the intermediary bank, the bank whose business record the wire transfer is is the intermediary bank, so the witness will be able to state that.

3. Also, for several of the payments, we have additional search warrant documents -- e.g., while we may just have the wire transfer record from the clearing bank, we may also have a SWIFT message attached to an email, or a Hyposwiss record, or some other document which identifies the payment route. When the dust settles on the SW docs, we can reconstruct my old payments binders where I had all of the documents bundled together for each payment (the payment instruction letter, the bank record(s), emails, attachments, etc.). This is what we did for the GJ.

From: Lake, Stephanie (USANYS) [<mailto:Stephanie.Lake@usdoj.gov>]

Sent: Tuesday, January 7, 2020 6:19 PM

To: Lynch, Garrett <LynchG@dany.nyc.gov>

Subject: FW: Sadr - wire transfers

My original email had three attachments, which had to be sent to you securely. So you should be getting a secure message with instructions on how to access it.

From: Lake, Stephanie (USANYS)

Sent: Tuesday, January 07, 2020 5:37 PM

To: Lynch, Garrett <LynchG@dany.nyc.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>

Subject: Sadr - wire transfers

See attached a spreadsheet (Payments) showing each transfer and where I found documentation. A few things:

- 1) I didn't find a wire confirmation for the 4/4/2011 \$29 million transfer. I did find reference to it in the CHIPS subpoena returns. It seems to show that it went from "Fondo Chino-Venezolano" to Stratus International

Contracting (see attached two spreadsheets that show this). Garrett – do you know if we have a wire confirmation for that transfer?

- 2) I noticed that the wire confirmations don't generally show the U.S. intermediary bank on them. Is there other documentation I'm missing that has this information?

*All documents are saved here: \\Usa.doj.gov\cloud\NYS\StAndrews\Shared\Iran_VEhousing-2017R01160\###Trial\Documents\Payment Records and here: \\Usa.doj.gov\cloud\NYS\StAndrews\Shared\Iran_VEhousing-2017R01160\Evidence [INT]\Discovery\#5 - Subpoena Returns\To Produce.

Also – Garrett, I was thinking that if you don't already have the ability to remotely login to our network, we should have that set up! That way the file paths above wouldn't be useless to you.

Thanks!

Stephanie Lake
Assistant United States Attorney
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007
Tel: (212) 637-1066

This email communication and any files transmitted with it contain privileged and confidential information from the New York County District Attorney's Office and are intended solely for the use of the individuals or entity to whom it has been addressed. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this email is strictly prohibited. If you have received this email in error, please delete it and notify the sender by return email.

EXHIBIT 65-1



NEW YORK BRANCH

Department of the Treasury
Office of Foreign Assets Control
1500 Pennsylvania Avenue NW
Washington DC 20220

Vinay Jepsal
2 World Financial Center, New York, NY 10281-1050
Telephone (212) 266-7200
Fax (212) 266-7235
vinay.jepsal@commerzbank.com

June 16, 2011

Re: Information Sharing – Stratus International Contracting Company

Dear Sir/Madam:

Commerzbank AG, New York Branch (CBNY) would like to share the following information with OFAC. On April 20, 2011 CBNY's AML transaction monitoring system generated an alert, which involved a transaction for USD 29,442,967.57 value April 4, 2011.

The transaction was originated by Banco Del Tesoro, CA Banco Universal Caracas for its client BT / Fideicomiso / Fondo Chino Venezolano in Caracas, Venezuela. The beneficiary of the payment was Stratus International Contracting Company ("Stratus"), a client of HypoSwiss Privatbank AG, Zurich.

As per standard procedure, CBNY initiated a request for information to the remitting bank Banco Del Tesoro, CA Banco Universal Caracas, Venezuela to obtain details on both entities and their relationship. In the interim, CBNY conducted further due diligence and noted the following regarding Stratus from its website:

- Stratus was founded in 1978 in Tehran, Iran
- Stratus International specializes in providing contracting services to infrastructure projects such as roads, railways, dams, tunnels, airports and buildings.
- Stratus is presently working on a 7000 Apartment Unit "New Ojeda" Housing Development Project in Venezuela

On May 12, 2011, CBNY received a response from the bank in Caracas indicating the following:

- Stratus's physical address is Gardenya Plaza 5, K:3 D:3 (Floor 3, Suite3) 34758 Atasehir, Istanbul, Turkey
- Stratus is registered in Istanbul, Turkey (copy of the registration attached)
- Stratus provides construction services in Turkey, Dubai and Venezuela
- The purpose of the payment is for the construction of a 7000 apartment unit project "Proyecto Urbanismo Nueva Ciudad Fabricio Ojeda, in Ciudad Ojeda, Estado Zulia, Venezuela (same address as listed on Stratus' website)

Although Stratus is not listed as an SDN, and the payment does not indicate any direct involvement of Iran or with Iran, due to conflicting information between the website and the response forwarded by the bank in Caracas, CBNY believes it appropriate to share this information with OFAC since Stratus may be an Iranian Company.

Chairman of the Supervisory Board: Klaus-Peter Müller
Board of Managing Directors: Martin Blessing (Chairman),
Frank Annuscheit, Markus Beumer, Achim Kassow, Jochen Klösges,
Michael Reuther, Stefan Schmittmann, Ulrich Sieber, Eric Strutz, Martin Zielke

Commerzbank Aktiengesellschaft, Frankfurt am Main
Registered Office: Frankfurt am Main Reg.No. 32000
VAT No. DE 114 103 514



NEW YORK BRANCH

Re: Information Sharing – Stratus International Contracting Company– Page 2

We have added Stratus into our sanctions filter to monitor any future payments. Please note that apart from this transaction, there have not been any other payments involving Stratus processed by CBNY to date.

The purpose of this letter is to report the good faith efforts of Commerzbank AG, New York Branch in complying with applicable OFAC requirements and voluntarily informing OFAC of any information received during its investigation into possible sanctions-related entities.

Should you have any further questions concerning this matter, please do not hesitate to contact the signatories below.

Respectfully,

Commerzbank AG
New York Branch

A handwritten signature in dark ink, appearing to read "Deepa Keswani".

Deepa Keswani
Head of AML/Anti-Fraud/Sanctions Compliance

A handwritten signature in dark ink, appearing to read "Vinay Jepal".

Vinay Jepal
Sanctions Compliance Officer

Encls.

stratus intl payment

:LT Address	:COBAUS3XA
:transaction type	:202 COVER bank tfr favour 3rd bank
:input from	:COBADEFF
	COMMERZBANK AG FRANKFURT
	HEAD OFFICE
	32-36 NEUE MAINZERSTRASSE
	60261 FRANKFURT GERMANY
:Validation Flag	:COV}

{4: Text block:

:20 /transaction reference number	:FAAS109400150500
:21 /related reference	:FAAS109400150500
:32A/value date	:040411 USD 29,442,967.57
:52A/ordering institution - BIC	:COBADEFF
	COMMERZBANK AG
	FRANKFURT AM MAIN
:57A/account with inst - BIC	:CHASUS33
	JPMORGAN CHASE BANK, N.A.
	NEW YORK,NY
:58A/beneficiary inst - BIC	:SHHBCHZZ
	HYPOSWISS PRIVATBANK AG, ZURICH
	ZURICH
:50K/ordering customer	:/400887746602USD
	BT/ FIDEICOMISO / FONDO CHINO
	VENEZOLANO. AV GUICAIPURO. URB EL
	ROSAL. TORRE BANCO DEL TESORO.
	CARACAS - VENEZUELA.
:52A/ordering institution - BIC	:BDTEVECA
	BANCO DEL TESORO, C.A. BANCO
	UNIVERSAL
	CARACAS
:59 /beneficiary customer	:/CH7708530519663100203
	STRATUS INTERNATIONAL CONTRACTING
	J.S.
:70 /details of payment	:REF: DESEMBOLSO NRO. 386 FONDO
	CHINO VENEZOLANO. CODIGO NRO.
	00579.
:33B/amount	:USD 29,442,967.57}

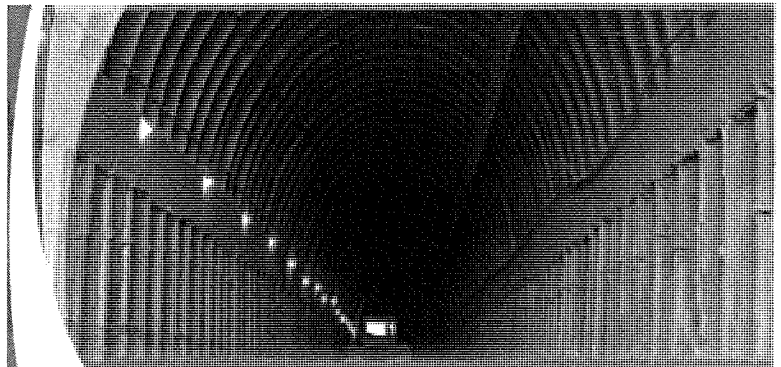
Entry : /SWIFT/ Date:110404 Time:02:44:17
Info:1111/001781



Stratus International
Contracting Company

فارسی | Staff Login | Site Map | Hon

STRATUS International Contracting Company has been founded in 1978 in Tehran, Iran, with registered paid up share capital of RIs 100 billions. STRATUS provides contracting services to infrastructure projects such as Roads, Railways, Dams, Tunnels, Airports and Buildings. Since 1994, STRATUS has been the first pioneered company in exporting Engineering and Technical Services in Iran and received **"Exemplary Exporters"** of the year 1999 from his excellency Mr. president.



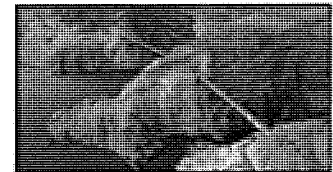
- STRATUS is an Engineering, Construction, Management and Contracting Company by specializing in the field of Building Construction, Road Works and Water Works.

STRATUS is Graded in three major categories: Read more...

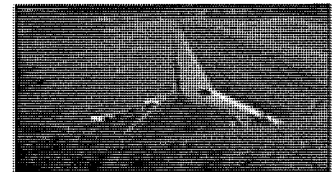
- STRATUS has succeeded to receive ISO 9001-2000 certificate for Quality Management System from MIC registered under UKAS, United Kingdom from 2004 which upgraded recently to ISO 9001-2008 in 2010 and intending to extend it by OHSAS 18001:2007. Read more...

- Our memberships:
 - Federation of Contractors of Islamic Countries (F.C.I.C.)
 - Pakistan Engineering Council
 - International Chamber of Commerce (I.C.C.)
 - Iran – UK Chamber of Commerce
 - Iran – Canada Chamber of CommerceRead more...

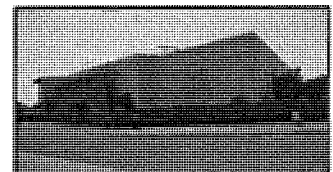
Road & Railway

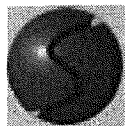


Dam



Building





Stratus International
Contracting Company

[فارسی](#) | [Staff Login](#) | [Site Map](#) | [Hon](#)

STRATUS International Contracting Company has been founded in 1978 in Tehran, Iran, with registered paid up share capital of RIs 100 billions. STRATUS provides contracting services to infrastructure projects such as Roads, Railways, Dams, Tunnels, Airports and Buildings. Since 1994, STRATUS has been the first pioneered company in exporting Engineering and Technical Services in Iran and received "**Exemplary Exporters**" of the year 1999 from his excellency Mr. president.



Contact Us

STRATUS International Contracting Co.

Address: **No.35, Golestan St., Iran Zamin Ave., Shahrake Ghods, Tehran, Iran.**

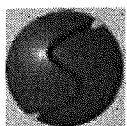
Postal Code: **1465865187**

Tell: **(98) 21 8837 3100-6**

Fax: **(98) 21 8808 2882**

E-mail: **stratus@stratusgc.com**

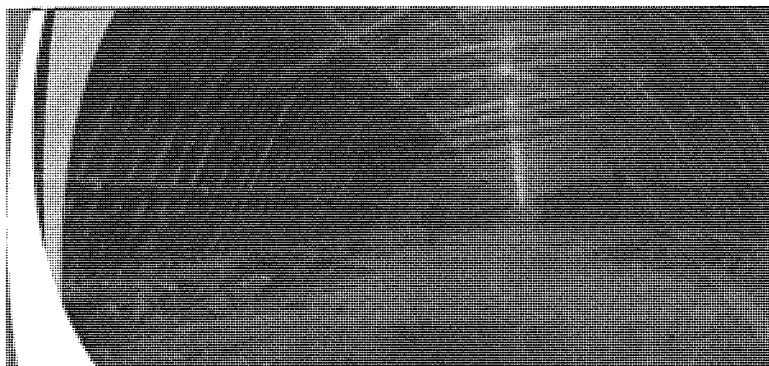
Copyright © 2010 Stratus Group Company. All rights reserved



Stratus International
Contracting Company

[فارسی](#) | [Staff Login](#) | [Site Map](#) | [Hon](#)

STRATUS International Contracting Company has been founded in 1978 in Tehran, Iran, with registered paid up share capital of RIs 100 billions. STRATUS provides contracting services to infrastructure projects such as Roads, Railways, Dams, Tunnels, Airports and Buildings. Since 1994, STRATUS has been the first pioneered company in exporting Engineering and Technical Services in Iran and received "**Exemplary Exporters**" of the year 1999 from his excellency Mr. president.



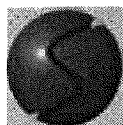
Branch Offices

Middle East
Iran
Iraq

CIS
Kazakhstan

South America
Venezuela

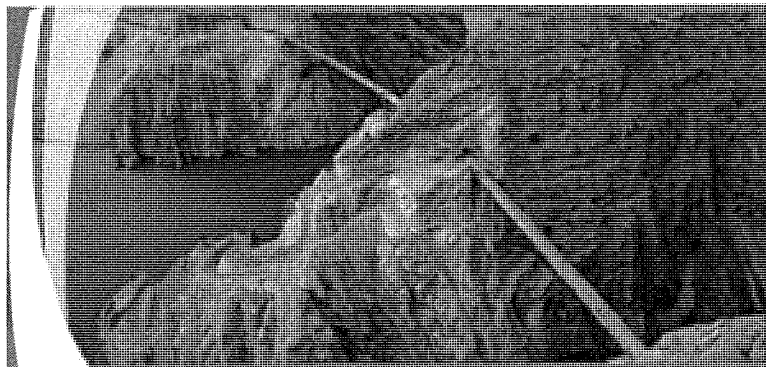
Copyright © 2010 Stratus Group Company. All rights reserved



Stratus International
Contracting Company

[فارسی](#) | [Staff Login](#) | [Site Map](#) | [Hon](#)

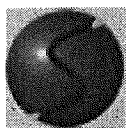
STRATUS International Contracting Company has been founded in 1978 in Tehran, Iran, with registered paid up share capital of RIs 100 billions. STRATUS provides contracting services to infrastructure projects such as Roads, Railways, Dams, Tunnels, Airports and Buildings. Since 1994, STRATUS has been the first pioneered company in exporting Engineering and Technical Services in Iran and received **"Exemplary Exporters"** of the year 1999 from his excellency Mr. president.



Sister Companies List

-  1. Samaneh Stratus (INVESTMENT CO.)
-  2. Iran Construction Investment Co.
-  3. Eghtesad - Novin Bank
4. Pishgaman Bazar Novin (BROKERAGE CO.)
-  5. Novin Insurance Co.
-  6. Pars Shahr Co.
-  7. Global Petro Tech CO.
-  8. Keyhan Tabadol Co.
-  9. Pars Hanza Aluminium CO.
-  10. Azarbaijan Industry Development Co.
11. Eghtesad Novin Investment CO.
-  12. Samaneh Gostar Novin

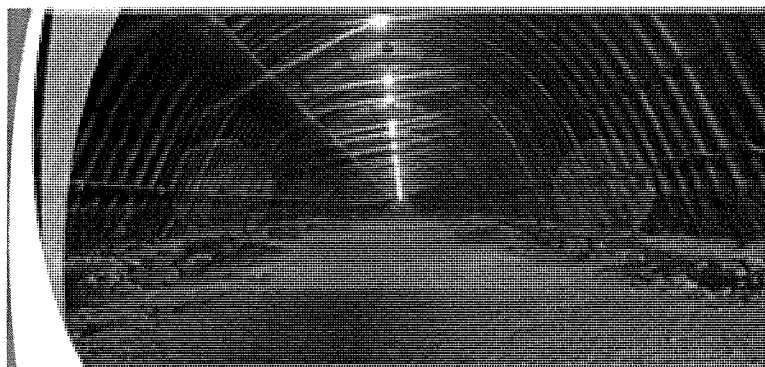
Copyright © 2010 Stratus Group Company. All rights reserved



Stratus International
Contracting Company

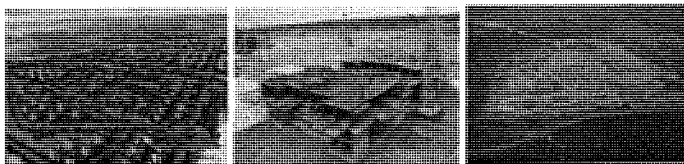
[فارسی](#) | [Staff Login](#) | [Site Map](#) | [Hon](#)

STRATUS International Contracting Company has been founded in 1978 in Tehran, Iran, with registered paid up share capital of RIs 100 billions. STRATUS provides contracting services to infrastructure projects such as Roads, Railways, Dams, Tunnels, Airports and Buildings. Since 1994, STRATUS has been the first pioneered company in exporting Engineering and Technical Services in Iran and received "**Exemplary Exporters**" of the year 1999 from his excellency Mr. president.



7000 Units 'New Ojeda' Housing Development Project

Main Technical Features	Site Gross Area : 318 Hec. Concrete works : 520,000 m ³ Net Construction Area : 850.000 m ² Water & Sewage network : 150 Km Electrical network : 200 Km Communication network : 220 Km Gas network : 30 Km
Location	Ciudad Ojeda, Zulia State, Venezuela
Employer	Ducolsa 'Urban Development S.A'
Contract Duration	48 Months
Date of Award	September 2009
Status	[Under Construction]



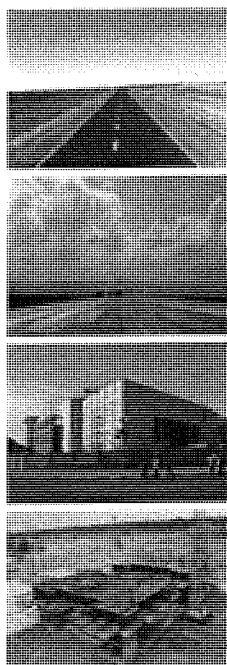
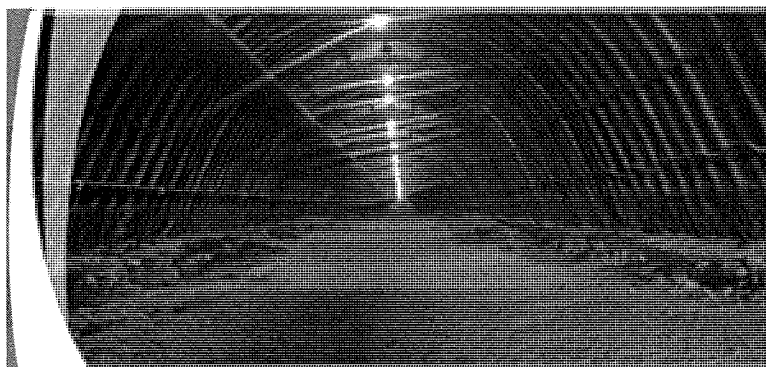
[\[Back to list\]](#)



Stratus International
Contracting Company

[فارسی](#) | [Staff Login](#) | [Site Map](#) | [Hon](#)

STRATUS International Contracting Company has been founded in 1978 in Tehran, Iran, with registered paid up share capital of Rls 100 billions. STRATUS provides contracting services to infrastructure projects such as Roads, Railways, Dams, Tunnels, Airports and Buildings. Since 1994, STRATUS has been the first pioneered company in exporting Engineering and Technical Services in Iran and received "**Exemplary Exporters**" of the year 1999 from his excellency Mr. president.



Dalbandin – Nokkundi Highway - Section III-B

[Details >>](#)

Socotra Airport

[Details >>](#)

Design & Construction of Parliament Building & Commercial Center in Djibouti City

[Details >>](#)

7000 Units "New Ojeda" Housing Development Project

[Details >>](#)

Copyright © 2010 Stratus Group Company. All rights reserved

T.C.
İSTANBUL
Ticaret Sicil Memurluğu

(KADIKÖY)
370857 - 2010

SİCİL TASDİKNAMESİ

Ticaret Ünvanı	STRATUS INTERNATIONAL CONTRACTING İNŞAAT VE TAAHHÜT ANONİM ŞİRKETİ
Sicil No.	751671
Tescil Tarihi	22 / 10 / 2010
İşletme Merkezinin Adresi (Şubenin tescilinde şubenin Adresi ile beraber,merkezin adresi de yazılır.)	GARDENYA PLAZA 5 K.3 D.3 ATAŞEHİR
İşletmenin uğraştığı işler	Ana sözleşmesinde yazılı olan işler
İşletme sahibinin hüviyeti (Hükmi şahıslarda, hükmi şahsın mahiyeti)	Anonim
İşletme temsilcileri	38824643592 TC.No.lu CELAL TATLICIBAŞI
Tasdiknamenin düzenlenme Tarih ve Sayısı	22 EKİM 2010 - 39185

RECAİ SÖKMEN
İSTANBUL TİCARET SİCİLİ
MEMURU YARDIMCISI

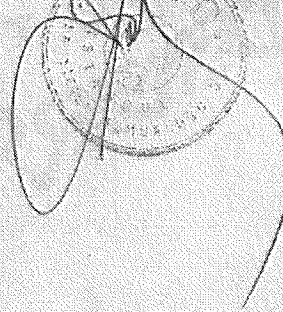


EXHIBIT 66

Kim, Jane (USANYS) 4

From: Nathan NYSD Chambers <NathanNYSDChambers@nysd.uscourts.gov>
Sent: Sunday, March 8, 2020 5:01 PM
To: Kim, Jane (USANYS) 4; Lake, Stephanie (USANYS); Bbishop_steptoe.com; Fragale, David; Levin, Michelle; Silverman, Nicholas; Weingarten, Reid; Lynch, Garrett; Lynch, Garrett (USANYS) [Contractor]; Heberlig, Brian; Krouse, Michael (USANYS)
Subject: RE: Order in 18cr224
Attachments: 18cr224 Order 03.8.20.pdf

Counsel,

Attached please find a third Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 4:04 PM
To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <DFragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:48 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Please confirm receipt of this Order.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 12:41 PM

To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket on Monday.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

EXHIBIT 66-1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

—v—

Ali Sadr Hashemi Nejad,

Defendant.

18-cr-224 (AJN)

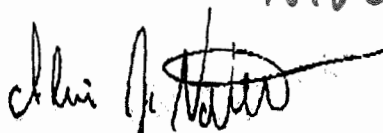
ORDER

ALISON J. NATHAN, District Judge:

In its response letter to be filed by 7 p.m., the Government shall include a detailed representation to the Court that explains why Government Exhibit 411 was not previously disclosed and what led to its disclosure for the first time yesterday. That representation shall further specify all attorneys involved in the decision-making with respect to both the non-disclosure and the subsequent disclosure yesterday of this document.

SO ORDERED.

Dated: March 8, 2020
New York, New York

3/8/20


ALISON J. NATHAN
United States District Judge

EXHIBIT 67

Kim, Jane (USANYS) 4

From: Lake, Stephanie (USANYS)
Sent: Sunday, March 8, 2020 6:25 PM
To: Crowley, Shawn (USANYS); Bove, Emil (USANYS)
Cc: Krouse, Michael (USANYS); Kim, Jane (USANYS) 4; Lynch, Garrett (USANYS) [Contractor]
Subject: GX 411 response
Attachments: 2020.03.08 Letter to Nathan re GX 411.docx

I'm sorry – this is not very good. I'm not a fast writer, but didn't want to spend time revising and then have no time for your review.

Stephanie Lake
Assistant United States Attorney
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007
Tel: (212) 637-1066

EXHIBIT 67-1



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 8, 2020

FILED BY ECF

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square, Courtroom 1306
New York, New York 10007

Re: *United States v. Ali Sadr Hashemi Nejad*, 18 Cr. 224 (AJN)

Dear Judge Nathan:

The Government respectfully submits this letter in response to the defendant's letter (Dkt. **XX**), and the Court's orders sent earlier today.

I. History of Government Exhibit 411

This Office received Government Exhibit 411 from the Manhattan DA's Office on January 10, 2020, in the context of a discussion about one of the payments relevant to this case.

Government Exhibit 411 is a voluntary disclosure that Commerzbank made to OFAC after clearing a payment from an entity affiliated with PDVSA in Venezuela to Stratus International Contracting (the "Payment"), which was one of the entities the defendant used to receive payments on behalf of IIHC. In the voluntary disclosure, dated June 16, 2011, Commerzbank reported that its money laundering filter flagged the Payment after it was already processed. The disclosure goes on to note that, after the Payment was alerted, Commerzbank investigated Stratus and learned that "Stratus was founded in 1978 in Tehran, Iran; Stratus International specializes in providing contracting services to infrastructure projects such as roads, railways, dams, tunnels, airports and buildings; Stratus is presently working on a 7000 Apartment Unit 'New Ojeda' Housing Development Project in Venezuela."

It further reported that, on May 12, 2011, Commerzbank received a response to its inquiry to the remitter bank, stating, in sum and substance, that Stratus's address is in Turkey, it is registered in Turkey, it does construction in, among other places, Venezuela, and the payment was for the "construction of a 7000 apartment unit project" in Venezuela.

Commerzbank concluded that "Although Stratus is not listed as an SDN, and the payment does not indicate any direct involvement of Iran or with Iran, due to conflicting information

The Honorable Alison J. Nathan, U.S.D.J.

March 8, 2020

Page 2

between the website and the response forwarded by the bank in Caracas, [Commerzbank] believes it appropriate to share this information with OFAC since Stratus may be an Iranian Company. We have added Stratus into our sanctions filter to monitor any future payments.”

The Government viewed GX 411 as helpful to its case at trial, but unnecessary in light of GX 2032 and 2034. Those exhibits show that Commerzbank sent a series of questions to the remitter bank on April 27, 2011 related to the Payment. Those questions were ultimately forwarded to the defendant. The defendant responded with misleading information, including by failing to answer one of the questions posed about the identity of the beneficial owners and Citizenship of the owners of Stratus International Contracting.

Based on the availability of other, overlapping evidence, the Government did not extract GX 411 from its email and mark it as an exhibit. The members of the team from this Office wrongly assumed that the document had been part of the Commerzbank subpoena return and therefore had been produced to the defense in discovery in 2018. We erred in failing to confirm with the DA’s office the source of the document, and in failing to confirm that it was in fact part of the Commerzbank discovery that had previously been produced. We now understand that GX 411 was obtained through an unrelated DANY investigation into Commerzbank and therefore had not previously been produced in discovery. There was no affirmative decision made not to produce GX 411 to the defense. Had we realized it was not part of an earlier discovery production, we would have provided it immediately upon receiving it.

This weekend, one of the members of the prosecution team came upon GX 411 in Outlook while organizing emails related to this case and others. Based on arguments the defense had made on Friday during Robert Peri’s cross-examination, GX 411 now appeared useful to the Government’s case, in addition to GX 2032 and 2034. For example, defense counsel asked Peri wither “Citigroup . . . conduct[ed] any research regarding the Iranian International Housing Company when it was reviewing” one of the transactions in the case. (Trial Tr. at 931.) GX 411 presented an example of a bank doing precisely what defense counsel had accused Citigroup of failing to do – it researched a flagged transaction, and then added the concerning party to its sanctions filter.

At that time, the Government realized that GX 411 had not in fact been part of the Commerzbank discovery. All members of the team agreed that the document should be produced to the defense. No member of the Government team anticipated that the defense would view GX 411 as helpful to the defense case.

II. The Defendant’s *Brady* Claim

The defendant has stated that GX 411 is exculpatory evidence for three reasons. First, “because Stratus Turkey’s affiliation with Stratus Iran was not material either to OFAC or the intermediary banks,” second, because “the intermediary banks conducted independent investigation and could easily identify the affiliation between Stratus Turkey and Stratus Iran” and, third “neither the intermediary bank nor OFAC deemed the disparities in information about the

The Honorable Alison J. Nathan, U.S.D.J.

March 8, 2020

Page 3

two Stratus International Contractings working on the Ojeda project as important enough to stop U.S. dollar payments to Stratus International Contracting J.S.”

The Government now understand how GX 411 could advance the defendant’s claim that any decision by OFAC not to take enforcement action following this disclosure is probative of the risk of harm from OFAC enforcement that banks face when the process sanctions violative transactions. However, as the defense has identified, this is a point the defendant already elicited from Ted Kim’s. Kim testified that, to his knowledge, OFAC did not investigate this case. The Government is seeking to confirm whether OFAC took any action based on the Commerzbank disclosure, and is willing to enter into a stipulation that it did not if and when it gets confirmation from OFAC.

However, the Government does not agree that GX 411 is helpful to the defense for the other reasons proffered. First, GX 411 shows that Stratus Turkey’s affiliation with Stratus Iran was material to Commerzbank, as Commerzbank added Stratus International Contracting to its sanctions filter following its review of this transaction.

Second, Commerzbank was only able to identify the connection between Stratus Turkey and Iran because the transaction was flagged for money laundering and it then launched an investigation. Absent that flag, nobody would have known to look into the companies. In addition, the Court has precluded the defendant from arguing that the banks “could easily identify the affiliation between” the front companies and Iran. *See* Dkt. XX.

The Government regrets its error and is working to confirm that there is nothing else related to the Commerzbank investigation that has any bearing in this case, and that there have been no other omissions from the materials produced to the defense.

However, the Government does not believe that the proposed curative instruction is necessary. In our conversations with the defense, the defense explained that it sought the instruction because the jury would not understand why they are seeing GX 411 for the first time at the end of the trial. But, if it is admitted, the Government expects that GX 411 will be admitted as part of the evidence on the payments in this case, which is its logical place.¹ As stated above, the Government is also willing to enter a stipulation that OFAC did not take action regarding the disclosure, pending OFAC’s confirmation of this point. The Government believes this will

¹ If the defendant determines that he does not want to admit GX 411, the Government has agreed not to offer it in light of the late disclosure.

The Honorable Alison J. Nathan, U.S.D.J.

March 8, 2020

Page 4

sufficiently cure any potential prejudice the defendant could have suffered through the Government's late disclosure of GX 411.

Respectfully submitted,

GEOFFREY S. BERMAN

United States Attorney

By: /s/
Jane Kim / Michael Krouse / Stephanie Lake
Assistant United States Attorneys
Garrett Lynch
Special Assistant United States Attorney
(212) 637-2038 / 2279 / 1066

cc: Defense Counsel (by ECF)

EXHIBIT 68

Kim, Jane (USANYS) 4

From: Crowley, Shawn (USANYS)
Sent: Sunday, March 8, 2020 6:54 PM
To: Lake, Stephanie (USANYS); Krouse, Michael (USANYS); Kim, Jane (USANYS) 4; Garrett Lynch
Cc: Bove, Emil (USANYS)
Subject: 2020.03.08 Letter to Nathan re GX 411 sgc.docx
Attachments: 2020.03.08 Letter to Nathan re GX 411 sgc.docx

EXHIBIT 68-1



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 8, 2020

FILED BY ECF

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square, Courtroom 1306
New York, New York 10007

Re: *United States v. Ali Sadr Hashemi Nejad*, 18 Cr. 224 (AJN)

Dear Judge Nathan:

The Government respectfully submits this letter in response to the defendant's letter (Dkt. **XX**), and the Court's orders sent earlier today. The Government concedes that it erroneously failed to timely disclose the document at issue, and apologizes to the Court and counsel for its error. As a result, the Government will not seek to offer the document in evidence and, to the extent the defense intends to offer it, will stipulate to its admission and to relevant facts relating to OFAC's handling of the letter.

I. Disclosure of Government Exhibit 411

Government Exhibit 411 was first produced to the Manhattan DA's Office on [XX] in the course of a separate investigation of a particular bank ("Bank-1"). SAUSA Lynch emailed This Office received Government Exhibit 411 to AUSAs Kim, Krouse, and Lake from the Manhattan DA's Office on January 10, 2020, in the context of a discussion about one of the payments relevant to this case. The prosecution team wrongly assumed that Government Exhibit 411 had been produced to the defense, and failed to verify whether it had been. This was a mistake. The Government does not dispute that the document should have been disclosed along with its Rule 16 productions.

This weekend, AUSA Lake came upon GX 411 in Outlook while organizing emails related to this case and others. At the time, AUSA Lake concluded that the Government may wish to offer GX 411 in its case in chief, consulted the other members of the prosecution team, marked GX 411 as an exhibit, and emailed it to defense counsel.¹

¹ Based on arguments the defense had made on Friday during Robert Peri's cross-examination, GX 411 appeared useful to the Government's case, in addition to GX 2032 and 2034. For example, defense counsel asked Peri wither "Citigroup . . . conduct[ed] any research regarding the Iranian

The Honorable Alison J. Nathan, U.S.D.J.

March 8, 2020

Page 2

Government Exhibit 411 is a voluntary disclosure that Bank-1 made to OFAC after clearing a payment from an entity affiliated with PDVSA in Venezuela to Stratus International Contracting (the “Payment”), which was one of the entities the defendant used to receive payments on behalf of IIHC. In the voluntary disclosure, dated June 16, 2011, Bank-1 processed. The disclosure goes on to note that, after the Payment was alerted, Bank-1 investigated Stratus and learned that “Stratus was founded in 1978 in Tehran, Iran; Stratus International specializes in providing contracting services to infrastructure projects such as roads, railways, dams, tunnels, airports and buildings; Stratus is presently working on a 7000 Apartment Unit ‘New Ojeda’ Housing Development Project in Venezuela.”

It further reported that, on May 12, 2011, Bank-1 received a response to its inquiry to the remitter bank, stating, in sum and substance, that Stratus’s address is in Turkey, it is registered in Turkey, it does construction in, among other places, Venezuela, and the payment was for the “construction of a 7000 apartment unit project” in Venezuela.

Bank-1 concluded that “Although Stratus is not listed as an SDN, and the payment does not indicate any direct involvement of Iran or with Iran, due to conflicting information between the website and the response forwarded by the bank in Caracas, [Bank-1] believes it appropriate to share this information with OFAC since Stratus may be an Iranian Company. We have added Stratus into our sanctions filter to monitor any future payments.”

GX 2032 and 2034 show that Bank-1 sent a series of questions to the remitter bank on April 27, 2011 related to the Payment. Those questions were ultimately forwarded to the defendant. The defendant responded with misleading information, including by failing to answer one of the questions posed about the identity of the beneficial owners and Citizenship of the owners of Stratus International Contracting.

II. The Defendant’s *Brady* Claim

Based on conversations the Government has had with defense counsel this weekend, the Government now understands how GX 411 could advance the defendant’s claim that any decision by OFAC not to take enforcement action following this disclosure is probative of the risk of harm from OFAC enforcement that banks face when they process transactions in violation of the sanctions laws. The Government is currently seeking to confirm whether OFAC took any action based on Bank-1’s disclosure, and is willing to enter to stipulate that OFAC did not take action against Bank-1, the Stratus entities, or the defendant.

The Government regrets its error and is working to confirm that there is nothing else related to the Bank-1 investigation that has any bearing in this case, and that there have been no other

International Housing Company when it was reviewing” one of the transactions in the case. (Trial Tr. at 931.) GX 411 presented an example of a bank doing precisely what defense counsel had accused Citigroup of failing to do – it researched a flagged transaction, and then added the concerning party to its sanctions filter.

The Honorable Alison J. Nathan, U.S.D.J.

March 8, 2020

Page 3

omissions from the materials produced to the defense, both at the U.S. Attorney's Office and DANY. And, in light of our late disclosure of GX 411, we will not seek to offer it at trial. To the extent the defense wishes to offer GX 411 in its case, the Government has no objection and will stipulate to its admissibility. As a result, the defendant is not prejudiced by the late disclosure, and in light of the fact that they have not begun to present evidence, no curative instruction is necessary.

Respectfully submitted,

GEOFFREY S. BERMAN

United States Attorney

By: _____
Jane Kim / Michael Krouse / Stephanie Lake
Assistant United States Attorneys
Garrett Lynch
Special Assistant United States Attorney
(212) 637-2038 / 2279 / 1066

cc: Defense Counsel (by ECF)

EXHIBIT 69

Kim, Jane (USANYS) 4

From: Crowley, Shawn (USANYS)
Sent: Sunday, March 8, 2020 7:08 PM
To: Lake, Stephanie (USANYS); Bove, Emil (USANYS)
Cc: Krouse, Michael (USANYS); Kim, Jane (USANYS) 4; Lynch, Garrett (USANYS) [Contractor]
Subject: RE: GX 411 response

Sorry, can you guys swing by my office once you've filed this letter? Thank you!

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 08, 2020 6:25 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: GX 411 response

I'm sorry – this is not very good. I'm not a fast writer, but didn't want to spend time revising and then have no time for your review.

Stephanie Lake
Assistant United States Attorney
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007
Tel: (212) 637-1066

EXHIBIT 70

Kim, Jane (USANYS) 4

From: Bove, Emil (USANYS)
Sent: Sunday, March 8, 2020 7:32 PM
To: Crowley, Shawn (USANYS); Lake, Stephanie (USANYS)
Cc: Krouse, Michael (USANYS); Kim, Jane (USANYS) 4; Lynch, Garrett (USANYS) [Contractor]
Subject: RE: GX 411 response

Really sorry to be annoying, but want to make sure we've put down a call and an email to OFAC on this issue – basically to the point in our letter about seeking to confirm their (non)response to the letter.

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 7:08 PM
To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: GX 411 response

Sorry, can you guys swing by my office once you've filed this letter? Thank you!

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 08, 2020 6:25 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: GX 411 response

I'm sorry – this is not very good. I'm not a fast writer, but didn't want to spend time revising and then have no time for your review.

Stephanie Lake
Assistant United States Attorney
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007
Tel: (212) 637-1066

EXHIBIT 71

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Sunday, March 8, 2020 7:43 PM
To: Bove, Emil (USANYS); Crowley, Shawn (USANYS); Lake, Stephanie (USANYS)
Cc: Krouse, Michael (USANYS); Lynch, Garrett (USANYS) [Contractor]
Subject: RE: GX 411 response

I emailed them. I can call them now.

From: Bove, Emil (USANYS) <EBove@usa.doj.gov>
Sent: Sunday, March 8, 2020 7:32 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: GX 411 response

Really sorry to be annoying, but want to make sure we've put down a call and an email to OFAC on this issue – basically to the point in our letter about seeking to confirm their (non)response to the letter.

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 7:08 PM
To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: GX 411 response

Sorry, can you guys swing by my office once you've filed this letter? Thank you!

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 08, 2020 6:25 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: GX 411 response

I'm sorry – this is not very good. I'm not a fast writer, but didn't want to spend time revising and then have no time for your review.

Stephanie Lake
Assistant United States Attorney
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007
Tel: (212) 637-1066

EXHIBIT 72

Kim, Jane (USANYS) 4

From: Bove, Emil (USANYS)
Sent: Sunday, March 8, 2020 7:43 PM
To: Kim, Jane (USANYS) 4; Crowley, Shawn (USANYS); Lake, Stephanie (USANYS)
Cc: Krouse, Michael (USANYS); Lynch, Garrett (USANYS) [Contractor]
Subject: RE: GX 411 response

Great, thank you.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 8, 2020 7:43 PM
To: Bove, Emil (USANYS) <EBove@usa.doj.gov>; Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: GX 411 response

I emailed them. I can call them now.

From: Bove, Emil (USANYS) <EBove@usa.doj.gov>
Sent: Sunday, March 8, 2020 7:32 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: GX 411 response

Really sorry to be annoying, but want to make sure we've put down a call and an email to OFAC on this issue – basically to the point in our letter about seeking to confirm their (non)response to the letter.

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 7:08 PM
To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: GX 411 response

Sorry, can you guys swing by my office once you've filed this letter? Thank you!

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 08, 2020 6:25 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: GX 411 response

I'm sorry – this is not very good. I'm not a fast writer, but didn't want to spend time revising and then have no time for your review.

Stephanie Lake

Assistant United States Attorney
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007
Tel: (212) 637-1066

EXHIBIT 73

Kim, Jane (USANYS) 4

From: Nathan NYSD Chambers <NathanNYSDChambers@nysd.uscourts.gov>
Sent: Sunday, March 8, 2020 9:05 PM
To: Kim, Jane (USANYS) 4; Lake, Stephanie (USANYS); Bbishop_steptoe.com; Fragale, David; Levin, Michelle; Silverman, Nicholas; Weingarten, Reid; Lynch, Garrett; Lynch, Garrett (USANYS) [Contractor]; Heberlig, Brian; Krouse, Michael (USANYS)
Subject: RE: Order in 18cr224
Attachments: 18cr224 Order 3.08.20.pdf

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 5:01 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find a third Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 4:04 PM
To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <DFragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O’Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:48 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Please confirm receipt of this Order.

Sincerely,
Alyssa O’Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:41 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket on Monday.

Sincerely,
Alyssa O’Gallagher
Law Clerk to the Hon. Alison J. Nathan

EXHIBIT 73-1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

–v–

Ali Sadr Hashemi Nejad,

Defendants.

18-cr-224 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

In the letter filed this evening by the Government, Dkt. No. 275, the Government states that “It was only in the context of this process that the Government realized that GX 411 was not part of Bank-1’s subpoena production, which had been provided to the defense in discovery.”

The Court requires further explanation. Specifically, it is unclear from this sentence if the Government realized GX 411 had not been previously disclosed before or after the Government turned it over to the defense yesterday. Nor does this sentence indicate if, upon learning of the late disclosure, the Government informed defense counsel or not. The Government shall explain precisely when and how it realized that the document had erroneously been withheld and when, if at all, upon learning of the failure to disclose this was communicated to the defense.

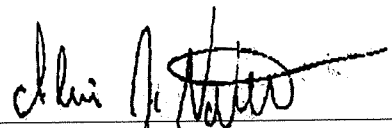
Furthermore, the previously filed letter does not offer an explanation for how it came to be that GX 411 was not (though should have been) provided to the defense as part of Bank-1’s subpoena production.

The Government is ordered to address these points by letter to be filed no later than 10 p.m. this evening. The defense may reply to the Government’s letters by 11 p.m.

SO ORDERED.

Dated: March 8, 2020
New York, New York

3/8/20



ALISON J. NATHAN
United States District Judge

EXHIBIT 74

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Sunday, March 8, 2020 9:15 PM
To: Krouse, Michael (USANYS); Lynch, Garrett; Lake, Stephanie (USANYS); Lynch, Garrett (USANYS) [Contractor]
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

EXHIBIT 75

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Sunday, March 8, 2020 9:16 PM
To: Bove, Emil (USANYS); Crowley, Shawn (USANYS)
Cc: Lynch, Garrett; Lake, Stephanie (USANYS); Krouse, Michael (USANYS); Lynch, Garrett (USANYS) [Contractor]
Subject: FW: Order in 18cr224
Attachments: 18cr224 Order 3.08.20.pdf

From: Nathan NYSD Chambers <NathanNYSDChambers@nysd.uscourts.gov>
Sent: Sunday, March 8, 2020 9:05 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 5:01 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find a third Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 4:04 PM

To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <DFragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,

Alyssa O’Gallagher

Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 12:48 PM

To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Please confirm receipt of this Order.

Sincerely,

Alyssa O’Gallagher

Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 12:41 PM

To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket on Monday.

Sincerely,
Alyssa O’Gallagher
Law Clerk to the Hon. Alison J. Nathan

EXHIBIT 75-1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

–v–

Ali Sadr Hashemi Nejad,

Defendants.

18-cr-224 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

In the letter filed this evening by the Government, Dkt. No. 275, the Government states that “It was only in the context of this process that the Government realized that GX 411 was not part of Bank-1’s subpoena production, which had been provided to the defense in discovery.”

The Court requires further explanation. Specifically, it is unclear from this sentence if the Government realized GX 411 had not been previously disclosed before or after the Government turned it over to the defense yesterday. Nor does this sentence indicate if, upon learning of the late disclosure, the Government informed defense counsel or not. The Government shall explain precisely when and how it realized that the document had erroneously been withheld and when, if at all, upon learning of the failure to disclose this was communicated to the defense.

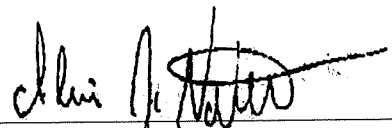
Furthermore, the previously filed letter does not offer an explanation for how it came to be that GX 411 was not (though should have been) provided to the defense as part of Bank-1’s subpoena production.

The Government is ordered to address these points by letter to be filed no later than 10 p.m. this evening. The defense may reply to the Government’s letters by 11 p.m.

SO ORDERED.

Dated: March 8, 2020
New York, New York

3/8/20



ALISON J. NATHAN
United States District Judge

EXHIBIT 76

Kim, Jane (USANYS) 4

From: Bove, Emil (USANYS)
Sent: Sunday, March 8, 2020 9:22 PM
To: Kim, Jane (USANYS) 4
Cc: Crowley, Shawn (USANYS); Lynch, Garrett; Lake, Stephanie (USANYS); Krouse, Michael (USANYS); Lynch, Garrett (USANYS) [Contractor]
Subject: Re: Order in 18cr224

Thanks guys. We're around to turn the draft.

On Mar 8, 2020, at 9:15 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

From: Nathan NYSD Chambers <NathanNYSDChambers@nysd.uscourts.gov>
Sent: Sunday, March 8, 2020 9:05 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 5:01 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find a third Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 4:04 PM
To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <DFragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:48 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Please confirm receipt of this Order.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:41 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig,

Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket on Monday.

Sincerely,

Alyssa O’Gallagher

Law Clerk to the Hon. Alison J. Nathan

<18cr224 Order 3.08.20.pdf>

EXHIBIT 77

Kim, Jane (USANYS) 4

From: Lake, Stephanie (USANYS)
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4; Krouse, Michael (USANYS); Lynch, Garrett; Lynch, Garrett (USANYS) [Contractor]
Subject: RE: Proofing and then I'll file these objections
Attachments: 2020.03.08 Letter to Nathan re GX 411 (2).docx

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

EXHIBIT 77-1



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 8, 2020

FILED BY ECF

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square, Courtroom 1306
New York, New York 10007

Re: *United States v. Ali Sadr Hashemi Nejad*, 18 Cr. 224 (AJN)

Dear Judge Nathan:

The Court writes in response to the Court's order from 9:00 this evening. The Government apologizes for the lack of clarity in its prior email.

The Government found GX 411 in its emails on Friday night, looked at the Commerzbank subpoena production, and did not find it. The members of the team discussed the document the next morning and confirmed that it likely had not been produced to the defense previously. The Government had a paralegal stamp it later in the day, and produced it to the defense. The Government did not specifically identify that GX 411 had not previously been produced in discovery. Defense counsel responded shortly after the Government provided GX 411 and asked how long the Government had GX 411, and why they had not previously received it. The Government responded and explained that we had been aware of the letter since mid-January, and had mistakenly believed that it was part of the discovery in the case.

When SAUSA Lynch sent what is now GX 411 to the AUSAs in the case in January, the AUSAs assumed that this was a document that came from this case (specifically, the subpoena to Commerzbank), and that it was therefore a document that had been previously produced to the

cc: Defense Counsel (by ECF)

EXHIBIT 78

Kim, Jane (USANYS) 4

From: Crowley, Shawn (USANYS)
Sent: Sunday, March 8, 2020 9:31 PM
To: Bove, Emil (USANYS)
Cc: Kim, Jane (USANYS) 4; Lynch, Garrett; Lake, Stephanie (USANYS); Krouse, Michael (USANYS); Lynch, Garrett (USANYS) [Contractor]
Subject: Re: Order in 18cr224

Can you guys forward the transmittal email we sent to them when we produced the doc yesterday? Thanks

On Mar 8, 2020, at 9:22 PM, Bove, Emil (USANYS) <EBove@usa.doj.gov> wrote:

Thanks guys. We're around to turn the draft.

On Mar 8, 2020, at 9:15 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

From: Nathan NYSD Chambers <NathanNYSDChambers@nysd.uscourts.gov>
Sent: Sunday, March 8, 2020 9:05 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Bishop_steptoe.com <Bishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 5:01 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bishop_steptoe.com <Bishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse,

Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Attached please find a third Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,

Alyssa O'Gallagher

Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 4:04 PM

To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <Dfragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,

Alyssa O'Gallagher

Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 12:48 PM

To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Please confirm receipt of this Order.

Sincerely,

Alyssa O'Gallagher

Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 12:41 PM

To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket on Monday.

Sincerely,

Alyssa O’Gallagher

Law Clerk to the Hon. Alison J. Nathan

<18cr224 Order 3.08.20.pdf>

EXHIBIT 79

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Sunday, March 8, 2020 9:41 PM
To: Crowley, Shawn (USANYS); Bove, Emil (USANYS)
Cc: Lynch, Garrett; Lake, Stephanie (USANYS); Krouse, Michael (USANYS); Lynch, Garrett (USANYS) [Contractor]
Subject: RE: Order in 18cr224
Attachments: U.S. v. Sadr.msg

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Re: Order in 18cr224

Can you guys forward the transmittal email we sent to them when we produced the doc yesterday? Thanks

On Mar 8, 2020, at 9:22 PM, Bove, Emil (USANYS) <EBove@usa.doj.gov> wrote:

Thanks guys. We're around to turn the draft.

On Mar 8, 2020, at 9:15 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

From: Nathan NYSD Chambers <NathanNYSDChambers@nysd.uscourts.gov>
Sent: Sunday, March 8, 2020 9:05 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher

Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 5:01 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop [steptoe.com](mailto:Bbishop@steptoe.com) <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find a third Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O’Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 4:04 PM
To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop [steptoe.com](mailto:Bbishop@steptoe.com) <Bbishop@steptoe.com>; 'Fragale, David' <Dfragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O’Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:48 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop [steptoe.com](mailto:Bbishop@steptoe.com) <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor]

<Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Please confirm receipt of this Order.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:41 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop [steptoe.com](mailto:Bbishop@steptoe.com) <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket on Monday.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan
<18cr224 Order 3.08.20.pdf>

EXHIBIT 79-1

Kim, Jane (USANYS) 4

From: Lake, Stephanie (USANYS)
Sent: Saturday, March 7, 2020 4:04 PM
To: Weingarten, Reid; Heberlig, Brian; Silverman, Nicholas
Cc: Krouse, Michael (USANYS); Kim, Jane (USANYS) 4; Lynch, Garrett (USANYS) [Contractor]; Milione, Shawn (USANYS) [Contractor]
Subject: U.S. v. Sadr
Attachments: GX 2284D.pdf; 3508-008.pdf; GX 411.pdf; GX 456.pdf; GX 495A 2280 Statements.pdf; GX 495B 9288 Statements.pdf; GX 704_Redacted.pdf; GX 705A.pdf; GX 705B.pdf; GX 2304A (rev'd 2020.3.7).pdf; 3504-10.pdf; 3505-06.pdf; 3513-02.pdf; 3513-03.pdf

Counsel,

Mr. Dubowitz is still very ill. As a result, we do not intend to call him as a witness in our case-in-chief. It's possible that, depending on the defense case, we will call him as a rebuttal witness.

In addition, we've attached the following documents:

- Updated GX 2284D – there were formatting problems with our version. We think the attached corrects them.
- 3508-08 – 3500 from today
- GX 411 – we intend to offer this on Monday. Let us know if you will stipulate to authenticity.
- GX 456 – we intend to offer this on Monday. Let us know if you will stipulate to authenticity.
- GX 495A & B – we intend to offer these on Monday (likely in redacted form), although think a stipulation that the defendant had bank accounts at HSBC from January 2010 through October 2013 might be simpler. Let us know how you prefer to proceed.
- GX 704 – this is the modified version of the travel chart. Please confirm whether you have any remaining concerns.
- GX 705A & B – these are summary charts reflecting the information in GX 2090A. Please confirm whether you have any objections.
- Updated GX 2304A – we enlarged some of the cells, as the formatting of the PDFd excel file was cutting off some of the data. The content is the same.
- 3504-10 – Peri 3500, which was provided in hard copy yesterday morning.
- 3505-06 – Blair 3500, which was provided in hard copy yesterday morning.
- 3513-02 – Paralegal 3500 for summary chart (you may already have this)
- 3513-03 – Paralegal 3500 for summary chart (you may already have this)

We are still working on one additional summary chart, which we expect to provide later today.

Stephanie Lake
Assistant United States Attorney
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007
Tel: (212) 637-1066

EXHIBIT 80

Kim, Jane (USANYS) 4

From: Krouse, Michael (USANYS)
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS); Bove, Emil (USANYS)
Cc: Lake, Stephanie (USANYS); Kim, Jane (USANYS) 4
Subject: Draft
Attachments: 2020.03.08 Letter to Nathan re GX 411 (2).docx

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

EXHIBIT 80-1



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 8, 2020

FILED BY ECF

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square, Courtroom 1306
New York, New York 10007

Re: *United States v. Ali Sadr Hashemi Nejad*, 18 Cr. 224 (AJN)

Dear Judge Nathan:

The Court writes in response to the Court's order from 9:00 this evening. The Government apologizes for the lack of clarity in its prior email.

The Government found GX 411 in its emails on Friday night, looked at the Commerzbank subpoena production, and did not find it. The members of the team discussed the document the next morning and confirmed that it likely had not been produced to the defense previously. The Government had a paralegal stamp it later in the day, and produced it to the defense. The Government did not specifically identify that GX 411 had not previously been produced in discovery. Defense counsel responded shortly after the Government provided GX 411 and asked how long the Government had GX 411, and why they had not previously received it. The Government responded and explained that we had been aware of the letter since mid-January, and had mistakenly believed that it was part of the discovery in the case.

When SAUSA Lynch sent what is now GX 411 to the AUSAs in the case in January, the AUSAs assumed that this was a document that came from this case (specifically, the subpoena to Commerzbank), and that it was therefore a document that had been previously produced to the

The Honorable Alison J. Nathan, U.S.D.J.

March 8, 2020

Page 2

defense as part of discovery. This was an incorrect assumption. The document in fact was obtained in an unrelated DANY investigation and was not provided to this Office before January 2020.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: /s/
Jane Kim / Michael Krouse / Stephanie Lake
Assistant United States Attorneys
Garrett Lynch
Special Assistant United States Attorney
(212) 637-2038 / 2279 / 1066

cc: Defense Counsel (by ECF)

EXHIBIT 81

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Sunday, March 8, 2020 9:56 PM
To: Krouse, Michael (USANYS); Crowley, Shawn (USANYS); Bove, Emil (USANYS)
Cc: Lake, Stephanie (USANYS)
Subject: RE: Draft

And really sorry for the quick turnaround – the order said we had to file by 10.

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

EXHIBIT 82

Kim, Jane (USANYS) 4

From: Krouse, Michael (USANYS)
Sent: Sunday, March 8, 2020 10:01 PM
To: Kim, Jane (USANYS) 4
Subject: RE: Draft

They called me with some changes. I made them and filed.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:56 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: RE: Draft

And really sorry for the quick turnaround – the order said we had to file by 10.

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

EXHIBIT 83

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Sunday, March 8, 2020 10:02 PM
To: Krouse, Michael (USANYS)
Subject: RE: Draft

ok

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 10:01 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: RE: Draft

They called me with some changes. I made them and filed.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:56 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: RE: Draft

And really sorry for the quick turnaround – the order said we had to file by 10.

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

EXHIBIT 84

Kim, Jane (USANYS) 4

From: Crowley, Shawn (USANYS)
Sent: Sunday, March 8, 2020 11:03 PM
To: Kim, Jane (USANYS) 4
Cc: Krouse, Michael (USANYS); Bove, Emil (USANYS); Lake, Stephanie (USANYS)
Subject: Re: Draft

Thanks guys. Can you forward along any reply? Thank you

On Mar 8, 2020, at 9:55 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

And really sorry for the quick turnaround – the order said we had to file by 10.

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

EXHIBIT 85

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Sunday, March 8, 2020 11:10 PM
To: Crowley, Shawn (USANYS)
Cc: Krouse, Michael (USANYS); Bove, Emil (USANYS); Lake, Stephanie (USANYS)
Subject: RE: Draft

Yes. They were supposed to file at 11. Still waiting.

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:03 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: Re: Draft

Thanks guys. Can you forward along any reply? Thank you

On Mar 8, 2020, at 9:55 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

And really sorry for the quick turnaround – the order said we had to file by 10.

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

EXHIBIT 86

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Sunday, March 8, 2020 11:15 PM
To: Crowley, Shawn (USANYS)
Cc: Krouse, Michael (USANYS); Bove, Emil (USANYS)
Subject: RE: Draft
Attachments: [279] Def resp re brady.pdf; [279-1] Def resp re brady.pdf

Minus Stephanie (don't want to stress her out/make her feel more sick).

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:03 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: Re: Draft

Thanks guys. Can you forward along any reply? Thank you

On Mar 8, 2020, at 9:55 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

And really sorry for the quick turnaround – the order said we had to file by 10.

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor]

<GLynch@usa.doj.gov>

Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

EXHIBIT 86-1

Brian M. Heberlig
202 429 8134
bheberlig@steptoe.com

Steptoe

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

March 8, 2020

By ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

Re: *United States v. Ali Sadr Hashemi Nejad*, Case No. 18-cr-224 (AJN)

Dear Judge Nathan:

We respectfully reply to the government's 10 p.m. letter regarding the belated production of GX 411. Dkt. No. 77. We also note that whereas the government apparently has access to documents that Commerzbank produced in response to a subpoena in some other matter, the government produced to defense exactly four documents from Commerzbank's subpoena return in this matter (including a blank envelope and a duplicate).

We attach the relevant correspondence between the parties that followed the first identification of GX 411 on Saturday March 7, 2020. We will be prepared to address the matter in Court tomorrow.

Respectfully submitted,

/s/ Brian M. Heberlig
Reid H. Weingarten
STEPTOE & JOHNSON LLP
1114 Avenue of the Americas
New York, NY 10036
Tel: (212) 506-3900
Fax: (212) 506-3950
rweingarten@steptoe.com



The Honorable Alison J. Nathan
March 8, 2020
Page 2

Brian M. Heberlig (*Pro Hac Vice*)
Bruce C. Bishop (*Pro Hac Vice*)
David M. Fragale
Nicholas P. Silverman (*Pro Hac Vice*)
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
Tel: (202) 429-3000 Bishop
Fax: (202) 429-3902
bheberlig@steptoe.com

Counsel for Defendant Ali Sadr Hashemi Nejad

cc: Counsel of Record (via ECF)

EXHIBIT 86-2

Exhibit A

From: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>
Sent: Saturday, March 7, 2020 5:36 PM
To: Heberlig, Brian; Lake, Stephanie (USANYS); Weingarten, Reid; Silverman, Nicholas
Cc: Krouse, Michael (USANYS); Lynch, Garrett (USANYS) [Contractor]; Milione, Shawn (USANYS) [Contractor]
Subject: RE: U.S. v. Sadr

Brian,

We do not agree with your characterization of GX 430, 431, 432, or 411 as *Brady*. These are all exhibits the Government has introduced or is seeking to introduce in our case. Perhaps you can explain how it is you think GX 411 is helpful to your case.

In any event, we have been aware of the letter since mid-January. We thought it was part of the Commerzbank subpoena return that was produced in discovery. We now understand that it came from an unrelated DANY investigation, and therefore was not in the Commerzbank subpoena return.

It is not clear to us how this document would have been relevant to the OFAC witness's testimony.

Jane

From: Heberlig, Brian <BHeberlig@steptoe.com>
Sent: Saturday, March 7, 2020 4:57 PM
To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Weingarten, Reid <RWeingarten@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Milione, Shawn (USANYS) [Contractor] <SMilione@usa.doj.gov>
Subject: RE: U.S. v. Sadr

We request immediate disclosure of (1) where GX411 came from, (2) how long it has been in the government's possession, (3) why we are only receiving it today. This is the second episode—along with GX430, GX431, and GX432—of the government producing fundamentally exculpatory documents mid-trial. In this instance, the document was produced after the government's OFAC witness, who would have been subject to cross-examination on this document. Provide this information by 6 pm or we will see the intervention of the Court.

From: Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>
Sent: Saturday, March 7, 2020 4:24 PM
To: Weingarten, Reid <RWeingarten@steptoe.com>; Heberlig, Brian <BHeberlig@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>; Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Milione, Shawn (USANYS) [Contractor] <Shawn.Milione@usdoj.gov>
Subject: RE: U.S. v. Sadr

Counsel,

We attempted to send you a number of attachments, which will not go through without encryption. It looks like Steptoe's servers are blocking the encrypted email. Shawn will upload the files to the link he has been using. The descriptions are below.

Stephanie

From: Lake, Stephanie (USANYS)
Sent: Saturday, March 07, 2020 4:04 PM
To: Weingarten, Reid <RWeingarten@steptoe.com>; Heberlig, Brian <BHeberlig@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Milione, Shawn (USANYS) [Contractor] <SMilione@usa.doj.gov>
Subject: U.S. v. Sadr

Counsel,

Mr. Dubowitz is still very ill. As a result, we do not intend to call him as a witness in our case-in-chief. It's possible that, depending on the defense case, we will call him as a rebuttal witness.

In addition, we've attached the following documents:

- Updated GX 2284D – there were formatting problems with our version. We think the attached corrects them.
- 3508-08 – 3500 from today
- GX 411 – we intend to offer this on Monday. Let us know if you will stipulate to authenticity.
- GX 456 – we intend to offer this on Monday. Let us know if you will stipulate to authenticity.
- GX 495A & B – we intend to offer these on Monday (likely in redacted form), although think a stipulation that the defendant had bank accounts at HSBC from January 2010 through October 2013 might be simpler. Let us know how you prefer to proceed.
- GX 704 – this is the modified version of the travel chart. Please confirm whether you have any remaining concerns.
- GX 705A & B – these are summary charts reflecting the information in GX 2090A. Please confirm whether you have any objections.
- Updated GX 2304A – we enlarged some of the cells, as the formatting of the PDFd excel file was cutting off some of the data. The content is the same.
- 3504-10 – Peri 3500, which was provided in hard copy yesterday morning.
- 3505-06 – Blair 3500, which was provided in hard copy yesterday morning.
- 3513-02 – Paralegal 3500 for summary chart (you may already have this)
- 3513-03 – Paralegal 3500 for summary chart (you may already have this)

We are still working on one additional summary chart, which we expect to provide later today.

Stephanie Lake
Assistant United States Attorney
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007
Tel: (212) 637-1066

EXHIBIT 87

Kim, Jane (USANYS) 4

From: Krouse, Michael (USANYS)
Sent: Sunday, March 8, 2020 11:19 PM
To: Crowley, Shawn (USANYS); Bove, Emil (USANYS)
Cc: Kim, Jane (USANYS) 4; Lake, Stephanie (USANYS)
Subject: Here is the reply
Attachments: Defense reply.pdf; Defense reply (attachment).pdf

Michael Krouse
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2279

EXHIBIT 87-1

Brian M. Heberlig
202 429 8134
bheberlig@steptoe.com

Steptoe

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

March 8, 2020

By ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

Re: *United States v. Ali Sadr Hashemi Nejad*, Case No. 18-cr-224 (AJN)

Dear Judge Nathan:

We respectfully reply to the government's 10 p.m. letter regarding the belated production of GX 411. Dkt. No. 77. We also note that whereas the government apparently has access to documents that Commerzbank produced in response to a subpoena in some other matter, the government produced to defense exactly four documents from Commerzbank's subpoena return in this matter (including a blank envelope and a duplicate).

We attach the relevant correspondence between the parties that followed the first identification of GX 411 on Saturday March 7, 2020. We will be prepared to address the matter in Court tomorrow.

Respectfully submitted,

/s/ Brian M. Heberlig
Reid H. Weingarten
STEPTOE & JOHNSON LLP
1114 Avenue of the Americas
New York, NY 10036
Tel: (212) 506-3900
Fax: (212) 506-3950
rweingarten@steptoe.com



The Honorable Alison J. Nathan
March 8, 2020
Page 2

Brian M. Heberlig (*Pro Hac Vice*)
Bruce C. Bishop (*Pro Hac Vice*)
David M. Fragale
Nicholas P. Silverman (*Pro Hac Vice*)
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
Tel: (202) 429-3000 Bishop
Fax: (202) 429-3902
bheberlig@steptoe.com

Counsel for Defendant Ali Sadr Hashemi Nejad

cc: Counsel of Record (via ECF)

EXHIBIT 87-2

Exhibit A

From: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>
Sent: Saturday, March 7, 2020 5:36 PM
To: Heberlig, Brian; Lake, Stephanie (USANYS); Weingarten, Reid; Silverman, Nicholas
Cc: Krouse, Michael (USANYS); Lynch, Garrett (USANYS) [Contractor]; Milione, Shawn (USANYS) [Contractor]
Subject: RE: U.S. v. Sadr

Brian,

We do not agree with your characterization of GX 430, 431, 432, or 411 as *Brady*. These are all exhibits the Government has introduced or is seeking to introduce in our case. Perhaps you can explain how it is you think GX 411 is helpful to your case.

In any event, we have been aware of the letter since mid-January. We thought it was part of the Commerzbank subpoena return that was produced in discovery. We now understand that it came from an unrelated DANY investigation, and therefore was not in the Commerzbank subpoena return.

It is not clear to us how this document would have been relevant to the OFAC witness's testimony.

Jane

From: Heberlig, Brian <BHeberlig@steptoe.com>
Sent: Saturday, March 7, 2020 4:57 PM
To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Weingarten, Reid <RWeingarten@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Milione, Shawn (USANYS) [Contractor] <SMilione@usa.doj.gov>
Subject: RE: U.S. v. Sadr

We request immediate disclosure of (1) where GX411 came from, (2) how long it has been in the government's possession, (3) why we are only receiving it today. This is the second episode—along with GX430, GX431, and GX432—of the government producing fundamentally exculpatory documents mid-trial. In this instance, the document was produced after the government's OFAC witness, who would have been subject to cross-examination on this document. Provide this information by 6 pm or we will see the intervention of the Court.

From: Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>
Sent: Saturday, March 7, 2020 4:24 PM
To: Weingarten, Reid <RWeingarten@steptoe.com>; Heberlig, Brian <BHeberlig@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>; Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Milione, Shawn (USANYS) [Contractor] <Shawn.Milione@usdoj.gov>
Subject: RE: U.S. v. Sadr

Counsel,

We attempted to send you a number of attachments, which will not go through without encryption. It looks like Steptoe's servers are blocking the encrypted email. Shawn will upload the files to the link he has been using. The descriptions are below.

Stephanie

From: Lake, Stephanie (USANYS)
Sent: Saturday, March 07, 2020 4:04 PM
To: Weingarten, Reid <RWeingarten@steptoe.com>; Heberlig, Brian <BHeberlig@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Milione, Shawn (USANYS) [Contractor] <SMilione@usa.doj.gov>
Subject: U.S. v. Sadr

Counsel,

Mr. Dubowitz is still very ill. As a result, we do not intend to call him as a witness in our case-in-chief. It's possible that, depending on the defense case, we will call him as a rebuttal witness.

In addition, we've attached the following documents:

- Updated GX 2284D – there were formatting problems with our version. We think the attached corrects them.
- 3508-08 – 3500 from today
- GX 411 – we intend to offer this on Monday. Let us know if you will stipulate to authenticity.
- GX 456 – we intend to offer this on Monday. Let us know if you will stipulate to authenticity.
- GX 495A & B – we intend to offer these on Monday (likely in redacted form), although think a stipulation that the defendant had bank accounts at HSBC from January 2010 through October 2013 might be simpler. Let us know how you prefer to proceed.
- GX 704 – this is the modified version of the travel chart. Please confirm whether you have any remaining concerns.
- GX 705A & B – these are summary charts reflecting the information in GX 2090A. Please confirm whether you have any objections.
- Updated GX 2304A – we enlarged some of the cells, as the formatting of the PDFd excel file was cutting off some of the data. The content is the same.
- 3504-10 – Peri 3500, which was provided in hard copy yesterday morning.
- 3505-06 – Blair 3500, which was provided in hard copy yesterday morning.
- 3513-02 – Paralegal 3500 for summary chart (you may already have this)
- 3513-03 – Paralegal 3500 for summary chart (you may already have this)

We are still working on one additional summary chart, which we expect to provide later today.

Stephanie Lake
Assistant United States Attorney
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007
Tel: (212) 637-1066

EXHIBIT 88

Kim, Jane (USANYS) 4

From: Crowley, Shawn (USANYS)
Sent: Sunday, March 8, 2020 11:23 PM
To: Kim, Jane (USANYS) 4
Cc: Krouse, Michael (USANYS); Bove, Emil (USANYS)
Subject: Re: Draft

Thank you. We'll leave you guys alone tonight unless you need us. Hang in there—we'll get through this just fine. We're excited for your summations

On Mar 8, 2020, at 11:15 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Minus Stephanie (don't want to stress her out/make her feel more sick).

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:03 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: Re: Draft

Thanks guys. Can you forward along any reply? Thank you

On Mar 8, 2020, at 9:55 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

And really sorry for the quick turnaround – the order said we had to file by 10.

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett

(USANYS) [Contractor] <GLynch@usa.doj.gov>

Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>

Sent: Sunday, March 08, 2020 9:15 PM

To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>

Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

<[279] Def resp re brady.pdf>

<[279-1] Def resp re brady.pdf>

EXHIBIT 89

Kim, Jane (USANYS) 4

From: Bove, Emil (USANYS)
Sent: Sunday, March 8, 2020 11:28 PM
To: Crowley, Shawn (USANYS)
Cc: Kim, Jane (USANYS) 4; Krouse, Michael (USANYS)
Subject: Re: Draft

We're going to smash these guys.

On Mar 8, 2020, at 11:23 PM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

Thank you. We'll leave you guys alone tonight unless you need us. Hang in there—we'll get through this just fine. We're excited for your summations

On Mar 8, 2020, at 11:15 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Minus Stephanie (don't want to stress her out/make her feel more sick).

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:03 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: Re: Draft

Thanks guys. Can you forward along any reply? Thank you

On Mar 8, 2020, at 9:55 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

And really sorry for the quick turnaround – the order said we had to file by 10.

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

<[279] Def resp re brady.pdf>
<[279-1] Def resp re brady.pdf>

EXHIBIT 90

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Sunday, March 8, 2020 11:30 PM
To: Bove, Emil (USANYS); Crowley, Shawn (USANYS)
Cc: Krouse, Michael (USANYS)
Subject: RE: Draft
Attachments: [280] Def resp re brady.pdf; [280-1] Def resp re brady.pdf

Their second response. Well, I'm glad Stephanie asked me to send the emails so this doesn't stress her more.

From: Bove, Emil (USANYS) <EBove@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:28 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Cc: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: Re: Draft

We're going to smash these guys.

On Mar 8, 2020, at 11:23 PM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

Thank you. We'll leave you guys alone tonight unless you need us. Hang in there—we'll get through this just fine. We're excited for your summations

On Mar 8, 2020, at 11:15 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Minus Stephanie (don't want to stress her out/make her feel more sick).

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:03 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: Re: Draft

Thanks guys. Can you forward along any reply? Thank you

On Mar 8, 2020, at 9:55 PM, Kim, Jane (USANYS) 4
<JKim4@usa.doj.gov> wrote:

And really sorry for the quick turnaround – the order said we had to file by 10.

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

<[279] Def resp re brady.pdf>
<[279-1] Def resp re brady.pdf>

EXHIBIT 90-1

Brian M. Heberlig
202 429 8134
bheberlig@steptoe.com

Steptoe

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

March 8, 2020

By ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

Re: *United States v. Ali Sadr Hashemi Nejad*, Case No. 18-cr-224 (AJN)

Dear Judge Nathan:

We respectfully submit the attached Exhibit B to our letter response to the government's explanation for its Saturday afternoon production of GX 411. Exhibit B is a more complete version of Exhibit A.

Respectfully submitted,

/s/ Brian M. Heberlig
Reid H. Weingarten
STEPTOE & JOHNSON LLP
1114 Avenue of the Americas
New York, NY 10036
Tel: (212) 506-3900
Fax: (212) 506-3950
rweingarten@steptoe.com

Brian M. Heberlig (*Pro Hac Vice*)
Bruce C. Bishop (*Pro Hac Vice*)
David M. Fragale
Nicholas P. Silverman (*Pro Hac Vice*)
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
Tel: (202) 429-3000 Bishop
Fax: (202) 429-3902

The Honorable Alison J. Nathan
March 8, 2020
Page 2

Steptoe

bheberlig@steptoe.com

Counsel for Defendant Ali Sadr Hashemi Nejad

cc: Counsel of Record (via ECF)

EXHIBIT 90-2

Exhibit B

From: Silverman, Nicholas
Sent: Sunday, March 8, 2020 1:36 PM
To: Kim, Jane (USANYS) 4; Heberlig, Brian; Lake, Stephanie (USANYS); Weingarten, Reid
Cc: Krouse, Michael (USANYS); Lynch, Garrett (USANYS) [Contractor]; Milione, Shawn (USANYS) [Contractor]
Subject: RE: U.S. v. Sadr
Attachments: 092-1 2019-02-25 Pretrial Mem 6 - Exhibit A-c2.pdf

Counsel:

- (1) Are there any other documents in the government's possession that have not been produced?
- (2) Is there any other *Brady* information in the government's possession that has not been produced?
- (3) Is there any information in the government's possession, custody, or control showing OFAC's response to this letter? This is subject to production under *Giglio* and/or *Napue* because it would at a minimum undermine Ted Kim's testimony (A) that to his knowledge, nothing relating to this matter was investigated by OFAC, (B) that "it matters a lot" if Iranian involvement in a transaction is concealed, and (C) that hiding "Iranian connections ... would make it very difficult for me to do my job."
- (4) As we have said, our requests for *Brady* and *Giglio* are continuing in nature. I have attached our September 2018 letter in case you want a non-exclusive list of examples of the type of information covered by *Brady* and *Giglio* in this case. Obviously, any information contrary to government witness testimony would be another example.
- (5) Regarding the authenticity of GX 411, we stipulate to authenticity.
- (6) GX 704 – Please let us know what modifications have been made.
- (7) GX 495A, 495B – What is the relevance of Sadr having bank accounts at HSBX from January 2010 through October 2013?
- (8) GX 456 – We are reviewing and anticipate stipulating to authenticity.
- (9) GX 705A & 705B – We are reviewing.
- (10) GX 2304A – Subject to our continuing objection (which we understand to have been overruled), no further objection.

Nicholas P. Silverman
Associate
nsilverman@steptoe.com

Steptoe

+1 202 429 8096 direct Steptoe & Johnson LLP
+1 617 595 6559 mobile 1330 Connecticut Avenue, NW
+1 202 429 3902 fax Washington, DC 20036
 www.steptoe.com

This message and any attached documents contain information from the law firm Steptoe & Johnson LLP that may be confidential and/or privileged. If you are not the intended recipient, please do not read, copy, distribute, or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then delete this message.

From: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>
Sent: Sunday, March 8, 2020 9:41 AM

To: Heberlig, Brian <BHeberlig@steptoe.com>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Weingarten, Reid <RWeingarten@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Milione, Shawn (USANYS) [Contractor] <Shawn.Milione@usdoj.gov>
Subject: RE: U.S. v. Sadr

Brian, Reid, and Nick:

As I explained in my last email, when we first saw the document in mid-January, we thought it had been part of Commerzbank's subpoena return and had been produced. We didn't think it would be necessary to use given our other evidence about that payment. Given some of the arguments you made on Friday, we decided that we did want to introduce it at trial.

Again, we don't see this document as exculpatory, as we would like to offer it tomorrow. Can you please let us know your position on an authenticity stipulation for this document and the other bank records we sent yesterday, as well as whether you have any issues with the summary charts?

Thanks,
Jane

From: Heberlig, Brian <BHeberlig@steptoe.com>
Sent: Saturday, March 7, 2020 10:09 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Weingarten, Reid <RWeingarten@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Milione, Shawn (USANYS) [Contractor] <SMilione@usa.doj.gov>
Subject: RE: U.S. v. Sadr

If you have been aware of the letter since mid-January, why wasn't it on the government's pretrial exhibit list instead of appearing the day before the government rests its case? The exculpatory nature of the exhibit is self-evident.

From: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>
Sent: Saturday, March 7, 2020 5:36 PM
To: Heberlig, Brian <BHeberlig@steptoe.com>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Weingarten, Reid <RWeingarten@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Milione, Shawn (USANYS) [Contractor] <Shawn.Milione@usdoj.gov>
Subject: RE: U.S. v. Sadr

Brian,

We do not agree with your characterization of GX 430, 431, 432, or 411 as *Brady*. These are all exhibits the Government has introduced or is seeking to introduce in our case. Perhaps you can explain how it is you think GX 411 is helpful to your case.

In any event, we have been aware of the letter since mid-January. We thought it was part of the Commerzbank subpoena return that was produced in discovery. We now understand that it came from an unrelated DANY investigation, and therefore was not in the Commerzbank subpoena return.

It is not clear to us how this document would have been relevant to the OFAC witness's testimony.

Jane

From: Heberlig, Brian <BHeberlig@steptoe.com>
Sent: Saturday, March 7, 2020 4:57 PM
To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Weingarten, Reid <RWeingarten@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Milione, Shawn (USANYS) [Contractor] <SMilione@usa.doj.gov>
Subject: RE: U.S. v. Sadr

We request immediate disclosure of (1) where GX411 came from, (2) how long it has been in the government's possession, (3) why we are only receiving it today. This is the second episode—along with GX430, GX431, and GX432—of the government producing fundamentally exculpatory documents mid-trial. In this instance, the document was produced after the government's OFAC witness, who would have been subject to cross-examination on this document. Provide this information by 6 pm or we will see the intervention of the Court.

From: Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>
Sent: Saturday, March 7, 2020 4:24 PM
To: Weingarten, Reid <RWeingarten@steptoe.com>; Heberlig, Brian <BHeberlig@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>; Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Milione, Shawn (USANYS) [Contractor] <Shawn.Milione@usdoj.gov>
Subject: RE: U.S. v. Sadr

Counsel,

We attempted to send you a number of attachments, which will not go through without encryption. It looks like Steptoe's servers are blocking the encrypted email. Shawn will upload the files to the link he has been using. The descriptions are below.

Stephanie

From: Lake, Stephanie (USANYS)
Sent: Saturday, March 07, 2020 4:04 PM
To: Weingarten, Reid <RWeingarten@steptoe.com>; Heberlig, Brian <BHeberlig@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Milione, Shawn (USANYS) [Contractor] <SMilione@usa.doj.gov>
Subject: U.S. v. Sadr

Counsel,

Mr. Dubowitz is still very ill. As a result, we do not intend to call him as a witness in our case-in-chief. It's possible that, depending on the defense case, we will call him as a rebuttal witness.

In addition, we've attached the following documents:

- Updated GX 2284D – there were formatting problems with our version. We think the attached corrects them.
- 3508-08 – 3500 from today
- GX 411 – we intend to offer this on Monday. Let us know if you will stipulate to authenticity.
- GX 456 – we intend to offer this on Monday. Let us know if you will stipulate to authenticity.
- GX 495A & B – we intend to offer these on Monday (likely in redacted form), although think a stipulation that the defendant had bank accounts at HSBC from January 2010 through October 2013 might be simpler. Let us know how you prefer to proceed.
- GX 704 – this is the modified version of the travel chart. Please confirm whether you have any remaining concerns.
- GX 705A & B – these are summary charts reflecting the information in GX 2090A. Please confirm whether you have any objections.
- Updated GX 2304A – we enlarged some of the cells, as the formatting of the PDFd excel file was cutting off some of the data. The content is the same.
- 3504-10 – Peri 3500, which was provided in hard copy yesterday morning.
- 3505-06 – Blair 3500, which was provided in hard copy yesterday morning.
- 3513-02 – Paralegal 3500 for summary chart (you may already have this)
- 3513-03 – Paralegal 3500 for summary chart (you may already have this)

We are still working on one additional summary chart, which we expect to provide later today.

Stephanie Lake
Assistant United States Attorney
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007
Tel: (212) 637-1066

Brian M. Heberlig
202 429 8134
bheberlig@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

September 25, 2018

By Electronic Mail

Andrew DeFilippis
Matthew Laroche
Rebekah Donaleski
Assistant United States Attorneys
Garrett Lynch
Special Assistant United States Attorney
U.S. Attorney's Office for the
Southern District of New York
1 St. Andrew's Plaza
New York, NY 10007

Re: *United States v. Ali Sadr Hashemi Nejad*, No. 18 Cr. 224 (ALC)
Request for Discovery, *Brady* Material, and Particulars

Dear Counsel:

On behalf of defendant Ali Sadr Hashemi Nejad, we request that the government provide "open file" discovery in this case, including the prompt production of all of the documents and other evidence it has obtained in its investigation and all grand jury transcripts, FBI 302s, and interview memoranda.

In the event that you elect not to provide "open file" discovery, Sadr respectfully submits this formal request for discovery in this case, pursuant to the Fifth and Sixth Amendments to the United States Constitution; Rules 12, 16, and 26.2 of the Federal Rules of Criminal Procedure; *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and progeny; the Department of Justice's "Guidance for Prosecutors Regarding Criminal Discovery"; and the additional authority set forth below.

We understand that Sadr's prior counsel at Arnold & Porter made earlier discovery requests in this matter, including requests in letters and emails dated: March 21, March 25,

September 25, 2018
Page 2



March 29, April 3, May 15, July 5, July 10, July 26, August 2, August 23, and September 4, 2018. We adopt those requests and ask that you provide any future responsive material directly to us. Arnold & Porter has provided us with copies of your prior discovery letters and emails and the discovery productions to date, and we do not need you to reproduce them to us. Although some of these discovery requests overlap with prior requests by Arnold & Porter, we submit them to ensure that Sadr has fully protected his rights to discovery and *Brady/Giglio* material in this matter.

Sadr requests that you produce and/or permit him to inspect and copy or photograph the materials specified below. This request encompasses not only documents¹ and information in the possession, custody, or control of, or that have been reviewed by, the U.S. Attorney's Office for the Southern District of New York and the Federal Bureau of Investigation, but also documents and information in the possession, custody, and control of, or that have been reviewed by, the Manhattan District Attorney's Office, and any other federal, state or local agency allied with the prosecution or involved in any way in investigating the activities alleged in the Indictment or related conduct. As used in this letter, the words "government" and "you" include your office and the above-referenced federal, state, or local agencies.

Sadr requests that the government comply with all of its discovery obligations under federal law, including, but not limited to, the following:²

I. Search Warrant Returns

We request clarification of the government's position on the discoverability of the data and documents collected pursuant to search warrants in the investigation. It is our understanding that the government has produced the full and unfiltered email accounts of Sadr collected pursuant to search warrants. Arnold & Porter requested the "terabyte" of unfiltered data and documents from non-Sadr accounts obtained pursuant to search warrants, in an April 3, 2018 letter and an August 2, 2018 email. With respect to that data, it is our understanding that the government has produced only a subset of materials that it has deemed "pertinent." We reiterate Sadr's request for complete, unfiltered data and documents from all accounts obtained by the

¹ The word "documents" includes, but is not limited to, all books, papers, letters, correspondence, reports, memoranda, studies, calendars, appointment books, diaries, notes, messages, e-mail, text messages, instant messages, other computer facilitated or transmitted materials, images, photographs, polaroids, information in any computer database, audio and video tapes, recordings, transcripts, ledgers, printouts, contracts, checks, receipts, and all copies or portions thereof, and any other written, recorded, or memorialized material of any nature whatsoever.

² All of these requests are continuing in nature, requiring supplementation in accordance with Fed. R. Crim. P. 16(c).

September 25, 2018
Page 3



government pursuant to search warrants. If you decline to provide these materials, please indicate:

1. The search terms and/or other filtering process used by the government to identify the “pertinent” documents from the search warrant returns for the non-Sadr accounts; and
2. How the government has satisfied its *Brady* obligations with respect to the purportedly non-pertinent data and documents from the search warrant returns for the non-Sadr accounts.

II. Statements of the Defendant

1. Any written or recorded statements made by Sadr within the possession, custody, or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the government. *See* Fed. R. Crim. P. 16(a)(1)(B)(i). This request includes, without limitation:

- a. All notes, reports, and memoranda summarizing any statement by Sadr to law enforcement officials at the time of his arrest;
- b. All transcripts and recordings of conversations in which Sadr was a participant;
- c. All wire and oral communications made by Sadr that were transmitted to or intercepted by, for or on behalf of any government agent or employee or any agency or entity of the U.S. government;
- d. All written and recorded statements of witnesses that reflect, relate, or incorporate any statements made by Sadr; and
- e. All other documents that purport to reflect, relate, or incorporate any statements made by Sadr.

2. The portion of any written record containing the substance of any oral statement made by Sadr, whether before or after arrest, in response to interrogation by any person then known to the defendant to be a government agent. *See* Fed. R. Crim. P. 16(a)(1)(B)(ii). This request includes without limitation, all documents, including notes, prepared by any FBI employee or agent that contain the substance of any relevant statement made by Sadr.

3. The substance of any other oral statement made by Sadr, whether before or after arrest, in response to interrogation by any person then known by Sadr to be a government agent. *See* Fed. R. Crim. P. 16(a)(1)(A).

September 25, 2018
Page 4



III. Documents and Tangible Objects

1. All books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, that were obtained from or belong to Sadr, or that belonged to Sadr at the time of the alleged offenses, or that belong or belonged to any agent of Sadr or any entity allegedly owned or controlled by Sadr. *See* Fed. R. Crim. P. 16(a)(1)(E)(iii). This request includes all documents as to which the government or any entity assigned Sadr as a custodian, whether hard copy or electronic records.

2. All books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, that the government intends to use at trial in its case-in-chief. *See* Fed. R. Crim. P. 16(a)(1)(E)(ii). We request that any materials in this category be specifically identified from among the materials produced pursuant to the defendant's other Rule 16 and *Brady* requests, both to enable counsel to prepare effectively for trial and to afford Sadr an opportunity to move to suppress any evidence the prosecution intends to use in its case-in-chief. *See* Fed. R. Crim. P. 12(b)(3)(C) and 12(b)(4)(B).

3. All books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, that are material to the preparation of Sadr's defense, *see* Fed. R. Crim. P. 16(a)(1)(E)(i), including, but not limited to, those items set forth in paragraphs III.4 to III.14 below.

4. All documents reflecting the alleged specific "international financial transactions" at issue in Count Two of the indictment. Indictment ¶¶ 19.

5. All documents reflecting the alleged "financial transactions" at issue in Counts Three and Four of the indictment. Indictment ¶¶ 23, 26.

6. All documents reflecting the alleged false and fraudulent pretenses, representations and promises at issue in Counts Three and Four of the indictment. Indictment ¶¶ 23, 26.

7. All documents reflecting the alleged monetary transactions and transfers at issue in Counts Five and Six of the indictment. Indictment ¶¶ 29, 32.

8. All documents relating to Sadr or the conduct alleged in the indictment that were introduced as exhibits before the grand jury. We request that any materials in this category be specifically identified from among the materials produced pursuant to the defendant's other Rule 16 and *Brady* requests.

9. All documents relating to Sadr or the conduct alleged in the indictment that were obtained by or for the grand jury or pursuant to any grand jury or trial subpoena. This request includes any documents furnished informally to prosecutors in lieu of formal compliance with a subpoena.

September 25, 2018
Page 5



10. All documents relating to Sadr or the conduct alleged in the indictment obtained from any witness who testified before the grand jury, or who was interviewed or consulted during the course of the grand jury investigation.

11. All documents relating to Sadr or the conduct alleged in the indictment that were obtained by any search or seizure pursuant to a search warrant or otherwise.

12. All documents relating to Sadr or the conduct alleged in the indictment obtained from any federal, state or local governmental, regulatory or legislative body or agency.

13. All documents relating to press releases or press conferences concerning Sadr or the investigation of the defendant, and all other documents relating to any contacts between the government and representatives of the media concerning Sadr or the investigation of the defendant.

14. All documents relating to the reputation of Sadr, including, without limitation, any documents relating to Sadr's reputation for honesty, integrity, or competence.

IV. *Brady and Giglio* Material

Pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, including *Giglio v. United States*, 405 U.S. 150 (1972), *United States v. Agurs*, 427 U.S. 97 (1976), *United States v. Bagley*, 473 U.S. 667 (1985), *Kyles v. Whitney*, 514 U.S. 419 (1995), and New York Rule of Professional Conduct 3.8, Sadr requests immediate identification and disclosure of all documents and information (in whatever form) that are favorable to the defense or that would tend to exculpate Sadr or mitigate his culpability with respect to the charges in the indictment, that would tend to impeach any potential witness against Sadr, or that are relevant to the issue of sentencing, including but not limited to the following:

1. Any document or information indicating or tending to establish that any of the allegations in the indictment are not true.

2. Any document or information indicating or tending to establish that any meeting, conversation, use of words, practice, or conduct that is the subject of the indictment or forms the basis of the indictment did not violate government laws, regulations, standards or established business practices.

3. Any document or information indicating or tending to establish that Sadr believed that any meeting, conversation, use of words, practice, or conduct that is the subject of the indictment or forms the basis of the indictment did not constitute a crime.

4. Any document or information indicating or tending to establish that any other person (including but not limited to the alleged co-conspirators) believed that any meeting, conversation, use of words, practice, or conduct that is the subject of the indictment or forms the basis of the indictment did not constitute a crime.

September 25, 2018
Page 6



5. Any documents or information indicating or tending to establish that Sadr did not instigate, control, authorize, approve, or acquiesce in the practices that are the subject of the indictment.

6. Any documents or information indicating or tending to establish that the alleged false or fraudulent pretenses were not false.

7. Any documents or information indicating or tending to establish that the alleged false or fraudulent pretenses were not material.

8. Any documents or information indicating or tending to establish that a third person was responsible for the financial transactions at issue in any count of the indictment.

9. Any document or information indicating or tending to establish that Sadr engaged in any conduct that forms the basis of the indictment in reliance upon advice provided by counsel or accountants.

10. Any document or information (in whatever form) that could be used to impeach any potential government witness, or any person whose statements will be introduced pursuant to Fed. R. Evid. 801(d)(2)(C), (D), or (E), including but not limited to:

- a. Any document or information relating to any conviction, arrest, or criminal record of, and any criminal charge brought against, any potential government witness;
- b. Any document or information relating to promises, consideration, or inducements made to any potential government witness, whether directly to the witness or indirectly to the witness' attorney, friends, family, employer, business associates, or other culpable or at risk third-party. "Consideration" means anything of value or use, including immunity grants, whether formal or informal, witness fees, transportation or relocation assistance, money, dropped or reduced charges or suggestions of favorable treatment with respect to any federal, state or local criminal, civil, or administrative matter, expectations of downward departures or motions for reduction of sentence, considerations regarding forfeiture of assets, or stays of deportation or other immigration status considerations;
- c. Any document or information tending to show the bias of a potential government witness, including animosity toward Sadr, animosity toward any group or entity of which Sadr is a member or with which Sadr is affiliated, a relationship with the alleged victim, or known but uncharged criminal conduct that may provide an incentive to curry favor with a prosecutor;
- d. Any document or information affecting the reliability of a potential government witness's testimony, including known alcohol or substance

September 25, 2018
 Page 7



abuse, mental health issues or other issues that could affect the witness's ability to perceive and recall events;

- e. Any document or information relating to any inconsistency in statements given by any potential government witness;
- f. Any document or information relating to any inconsistency between agents' and/or prosecutors' rough notes and FBI 302s or other memoranda of interviews of any potential government witness;
- g. Any document or information bearing adversely on the character or reputation for truthfulness of any potential government witness; and
- h. Each specific instance of conduct from which it could be inferred that any potential government witness is untruthful.

11. The date of and participants in each and every interview (including not only interviews conducted by the U.S. Attorney's Office or the Manhattan District Attorney's Office, but also interviews conducted by third parties), debriefing, "queen for a day" session, proffer, deposition, or other statement or description of the alleged facts made by each potential government witness (whether directly or indirectly, such as a proffer made by counsel). In addition, please specify, as to each such witness, the first date on which the witness made any allegation that Sadr engaged in any allegedly unlawful conduct or any conduct alleged in the indictment.

As you are aware, New York has adopted Rule of Professional Conduct 3.8, entitled "Special Responsibilities of Prosecutors and Other Government Lawyers," which provides that a prosecutor "shall make timely disclosure to [the defense] of evidence or information known to the prosecutor or other government lawyer that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the sentence" Rule 3.8(b). The Supreme Court has recognized that Rule 3.8 imposes a higher standard on prosecutors than the standards mandating disclosure of exculpatory evidence under *Brady*. See *Kyles*, 514 U.S. at 437 ("[*Brady*] requires less of the prosecution than the ABA Standards for Criminal Justice, which call generally for prosecutorial disclosures of any evidence tending to exculpate or mitigate."); ABA Standards for Criminal Justice, Prosecution Function and Defense Function 3-3.11(a) (3d ed. 1993) ("A prosecutor should not intentionally fail to make timely disclosure to the defense, at the earliest feasible opportunity, of the existence of all evidence or information which tends to negate the guilt of the accused or mitigate the offense charged or which would tend to reduce the punishment of the accused"); ABA Model Rule of Professional Conduct 3.8(d) (1984) ("The prosecutor in a criminal case shall . . . make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense").

We contend that the foregoing categories of information constitute *Brady* and Rule 3.8(b) material, and that disclosure should take place immediately. Sadr further requests that the

September 25, 2018
Page 8



government identify with particularity and provide copies of all materials that qualify as *Brady* and Rule 3.8 material, as described above. Please advise us promptly whether the government will be producing *Brady* material immediately even if it is contained in what might otherwise be considered as *Jencks* material, or whether you take the position that you are not obligated to produce such material at this time.

We also request the underlying source material for any *Brady* and Rule 3.8(d) information, as opposed to any summary letter or paraphrased description of the information. Please advise us promptly whether the government will not be producing underlying source material.

For purposes of the *Brady* doctrine, “the format of the information does not determine whether it is discoverable.” U.S. Attorneys’ Manual § 9-5.002.B.5 (2018). For example, material exculpatory information that is provided “during a conversation with an agent or a witness is no less discoverable than if that same information were contained in an email.” *Id.* We therefore request that all such information be memorialized and produced to Sadr.

V. Purportedly Privileged Material

Sadr specifically requests that the government produce all documents or information (in whatever form) produced to the government—or over which the government otherwise has custody, control, or possession—that are responsive to Sadr’s discovery and *Brady/Giglio* requests contained herein or that the government would otherwise be legally required to produce, over which any individual or entity has asserted the attorney-client privilege and/or the attorney work product doctrine. This request applies to all such documents produced pursuant to (a) a non-waiver agreement between any individual or entity and the government, (b) a court order pursuant to Fed. R. Evid. 502, or (c) a court order concluding that the documents are covered by the crime-fraud exception to the attorney-client privilege.

Sadr also requests that you identify any person or entity that has asserted any attorney-client privilege, work product privilege, common interest privilege, or any other privilege as the basis for withholding or not producing, in whole or in part, any documents to the government or the grand jury during the investigation. Sadr further requests that you provide all documents (including all privilege logs) with respect to the assertion of or challenge to any such claimed privileges. This request specifically encompasses all pleadings, court orders, correspondence, and other material related to any grand jury litigation by the government in which it challenged any assertion of any privilege.

VI. Criminal Records

Pursuant to Rule 16(a)(1)(D) of the Federal Rules of Criminal Procedure, Sadr requests copies of his prior criminal record, if any.

September 25, 2018
Page 9



VII. Jencks Material

Pursuant to the Jencks Act, 18 U.S.C. § 3500, and Rule 26.2 of the Federal Rules of Criminal Procedure, Sadr requests that the government provide a list of the names and addresses of all witnesses that the government intends to call in its case-in-chief and all statements of those witnesses in the possession, custody, or control of the government or any other government entity, including, but not limited to, notes of interviews, FBI 302s, or other summaries prepared by government attorneys or agents, and grand jury transcripts and any other witness statements. We request that the government begin providing this material as soon as possible, or in any event no later than ninety (90) days prior to the start of trial.

VIII. Scientific Evidence

Pursuant to Rule 16(a)(1)(F) of the Federal Rules of Criminal Procedure, Sadr requests documentation relating to all requests for, and the results of, physical or mental examinations, scientific tests, or experiments that were conducted in connection with the investigation of the charges contained in the indictment. This includes, but is not limited to:

- a. all forensic examinations of any computer hard drive, handheld cellular telephone or mobile device that Sadr possessed or to which Sadr had access;
- b. all handwriting exemplars, handwriting samples, handwriting or document analyses, and all documents examined or used in or related to such analyses;
- c. all fingerprint and palm print exemplars, fingerprint samples, comparisons, and opinions of fingerprint experts, and all documents examined or used in connection with, or that relate to, those opinions; and
- d. all polygraph examinations, psychological stress examinations, hypnotic procedures, or any other scientific procedures devised to determine whether a subject is telling the truth, or to refresh a witness' memory, and all documents that refer or relate to such examinations.

IX. Other Crimes Evidence

Pursuant to the Fifth and Sixth Amendments to the United States Constitution and Rules 403 and 404(b)(2) of the Federal Rules of Evidence, Sadr requests that the government disclose all evidence of similar crimes, wrongs, or acts, allegedly committed by Sadr (or any person alleged to have been acting pursuant to his instructions), upon which the government intends to rely on at trial.

September 25, 2018
Page 10



X. Suppression Issues

1. As a predicate to potential motions pursuant to Rule 12(b) of the Federal Rules Of Criminal Procedure, *see* Rule 12(b)(4)(B), Sadr requests that he be informed:

- a. Whether the government intends to offer into evidence any statement made by Sadr or any family member, and the substance of any such statement;
- b. Whether any evidence in the government's possession, custody, or control was obtained by a search and seizure conducted by the government, and a description of such evidence;
- c. Whether any evidence in the government's possession, custody, or control was obtained through electronic or mechanical surveillance, including without limitation, wiretaps, body wires, pen registers, and/or surveillance of telephone calls, and a description of such evidence;
- d. Whether any evidence in the government's possession, custody, or control was obtained through the use of a beeper or other tracking device, and a description of such evidence;
- e. In connection with any tape recording, wiretaps, or other surveillance of the defendant during the investigation of the allegations of the indictment or any related allegations, Sadr seeks:
 - i. The names and addresses of all such persons whose personal or business telephones the government tapped or monitored, or whose conversations or actions the government monitored by other means without the person's knowledge;
 - ii. Transcripts or other records of the statements or conversations monitored;
 - iii. The original recorded tapes created during such surveillance;
 - iv. The procedures used to conduct such surveillance; and
 - v. The authority under which such surveillance was conducted.
- f. Whether any evidence in the government's possession, custody, or control was obtained through a mail cover and/or trash cover and a description of such evidence; and
- g. The identities of any informant or undercover agent employed by the government during its investigation of the charges of the indictment.

September 25, 2018
Page 11



2. Sadr requests that the prosecution disclose whether it intends to offer in its case-in-chief, as a statement by the defendant, any of the following, and that it provide the substance of any such statement:

- a. Any statement as to which the defendant allegedly manifested his adoption or belief in its truth. *See* Fed. R. Evid. 801(d)(2)(B).
- b. Any statement made by another which was purportedly authorized by the defendant. *See* Fed. R. Evid. 801(d)(2)(C).
- c. Any statement made by an agent or servant of the defendant concerning a matter within the scope of his agency or employment made during the existence of such a relationship. *See* Fed. R. Evid. 801(d)(2)(D).
- d. Any statement made by an alleged co-conspirator of the defendant during the course and in furtherance of any alleged conspiracy. *See* Fed. R. Evid. 801(d)(2)(E).

XI. Hearsay

Sadr requests notice of any hearsay statement that the government plans to offer at trial under Federal Rule of Evidence 807, including its particulars, the declarant's name and address, and other information giving Sadr a fair opportunity to meet the statement. Fed. R. Evid. 807(b).

XII. Charts and Summaries

Pursuant to Fed. R. Evid. 1006, Sadr requests that he be advised whether the government will seek to offer any chart, summary, or calculation in evidence and, if so, (1) that all such charts, summaries, and calculations be produced, and (2) that all writings, recordings, or other information on which such charts, summaries, or calculations are based be made available for inspection and copying.

XIII. Electronically Stored Information

Sadr requests that the government comply with the "Recommendations for Electronically Stored Information (ESI) Discovery Production in Federal Criminal Cases" issued by the Department of Justice and Administrative Office of the U.S. Courts Joint Working Group on Electronic Technology in the Criminal Justice System in February 2012. To that end, Sadr requests the ability to "meet and confer" with the government as needed to discuss the nature, volume, and mechanics of the government's production of ESI discovery. Among other things, Sadr makes the following requests:

1. The government should produce ESI received from third parties in the format it was received. However, if the government has further processed ESI received from third parties, such as by adding load files, converting native files to TIFF images, extracting metadata or other coding, or making electronic files

September 25, 2018
Page 12



searchable, the government should produce such enhanced ESI in discovery to save Sadr the expense of replicating this work. Sadr does not seek any government attorney work product by this request.

2. The government should produce a table of contents describing the general categories of information available as ESI discovery in order to expedite Sadr's review of discovery and avoid discovery disputes, unnecessary expense, and undue delay. Further, the government should produce the cover letters that accompanied and described the third party productions of ESI and other documents to facilitate Sadr's review.
3. For all ESI produced from a seized, searched, or subpoenaed third-party digital device (e.g., computer, hard drive, thumb drive, CD, DVD, cell phone, Blackberry, iPhone, Android, smart phone, smart watch, or personal digital assistant), the government should identify the digital device that held the ESI, identify the device's owner or custodian, and identify the location where the device was seized, searched, or from where it was produced.
4. The government should produce any materials received in paper form in converted digital files that can be viewed and searched. These materials should be produced in multi-page TIFF and OCR format where each document is one file that may have multiple pages. Alternatively, a less preferable option would be production in multi-page, searchable PDF format. Under no circumstances should paper materials be converted into single-page TIFF images without document breaks.
5. All production of ESI should maintain parent-child relationships between documents, such as where an email (the parent document) has attachments (the child documents).

XIV. Bill of Particulars

We also adopt Arnold & Porter's August 23, 2018 letter requesting a bill of particulars regarding the allegations in the indictment. We need specification of those allegations in the indictment to permit Sadr to prepare to defend the charges against him. Please advise us whether the government will provide the requested information so that we can determine whether it will be necessary to move for a bill of particulars under Federal Rule of Criminal Procedure 7(f).

September 25, 2018
Page 13



Please let us know promptly whether there are any requests set forth in this letter with which you decline to comply. We are available to discuss any of the foregoing requests at your convenience. We reserve the right to supplement these requests as we continue to review the discovery material and prepare for trial. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to be "B. Heberlig", with a long horizontal line extending to the right.

Brian M. Heberlig

EXHIBIT 91

Kim, Jane (USANYS) 4

From: Crowley, Shawn (USANYS)
Sent: Sunday, March 8, 2020 11:35 PM
To: Kim, Jane (USANYS) 4
Cc: Bove, Emil (USANYS); Krouse, Michael (USANYS)
Subject: Re: Draft

Did we (it doesn't matter who) respond to their last email at 1:30? Can you guys please forward us all correspondence relating to this document?

On Mar 8, 2020, at 11:30 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Their second response. Well, I'm glad Stephanie asked me to send the emails so this doesn't stress her more.

From: Bove, Emil (USANYS) <EBove@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:28 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Cc: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: Re: Draft

We're going to smash these guys.

On Mar 8, 2020, at 11:23 PM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

Thank you. We'll leave you guys alone tonight unless you need us. Hang in there—we'll get through this just fine. We're excited for your summations

On Mar 8, 2020, at 11:15 PM, Kim, Jane (USANYS) 4
<JKim4@usa.doj.gov> wrote:

Minus Stephanie (don't want to stress her out/make her feel more sick).

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:03 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: Re: Draft

Thanks guys. Can you forward along any reply? Thank you

On Mar 8, 2020, at 9:55 PM, Kim, Jane (USANYS) 4
<JKim4@usa.doj.gov> wrote:

And really sorry for the quick turnaround – the order
said we had to file by 10.

From: Krouse, Michael (USANYS)
<MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS)
<SCrowley@usa.doj.gov>; Bove, Emil (USANYS)
<EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>;
Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse,
Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch,
Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett
(USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>;
Lynch, Garrett <LynchG@dany.nyc.gov>; Lake,
Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch,
Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

<[279] Def resp re brady.pdf>

<[279-1] Def resp re brady.pdf>

<[280] Def resp re brady.pdf>

<[280-1] Def resp re brady.pdf>

EXHIBIT 92

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Sunday, March 8, 2020 11:36 PM
To: Bove, Emil (USANYS)
Cc: Crowley, Shawn (USANYS); Krouse, Michael (USANYS)
Subject: Re: Draft

We spoke to them by phone at 2:30 and walked through each category of their questions. I think this is it but will double check.

On Mar 8, 2020, at 11:27 PM, Bove, Emil (USANYS) <EBove@usa.doj.gov> wrote:

We're going to smash these guys.

On Mar 8, 2020, at 11:23 PM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

Thank you. We'll leave you guys alone tonight unless you need us. Hang in there—we'll get through this just fine. We're excited for your summations

On Mar 8, 2020, at 11:15 PM, Kim, Jane (USANYS) 4
<JKim4@usa.doj.gov> wrote:

Minus Stephanie (don't want to stress her out/make her feel more sick).

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:03 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: Re: Draft

Thanks guys. Can you forward along any reply? Thank you

On Mar 8, 2020, at 9:55 PM, Kim, Jane (USANYS) 4
<JKim4@usa.doj.gov> wrote:

And really sorry for the quick turnaround – the order said we had to file by 10.

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

<[279] Def resp re brady.pdf>
<[279-1] Def resp re brady.pdf>

EXHIBIT 93

Kim, Jane (USANYS) 4

From: Crowley, Shawn (USANYS)
Sent: Sunday, March 8, 2020 11:39 PM
To: Kim, Jane (USANYS) 4
Subject: Re: Draft

I'm sure you know this, but Steph's issue isn't about stress. We appreciate you guys being teammates and understanding why she had to leave. I know she does too.

On Mar 8, 2020, at 11:30 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Their second response. Well, I'm glad Stephanie asked me to send the emails so this doesn't stress her more.

From: Bove, Emil (USANYS) <EBove@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:28 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Cc: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: Re: Draft

We're going to smash these guys.

On Mar 8, 2020, at 11:23 PM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

Thank you. We'll leave you guys alone tonight unless you need us. Hang in there—we'll get through this just fine. We're excited for your summations

On Mar 8, 2020, at 11:15 PM, Kim, Jane (USANYS) 4
<JKim4@usa.doj.gov> wrote:

Minus Stephanie (don't want to stress her out/make her feel more sick).

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:03 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: Re: Draft

Thanks guys. Can you forward along any reply? Thank you

On Mar 8, 2020, at 9:55 PM, Kim, Jane (USANYS) 4
<JKim4@usa.doj.gov> wrote:

And really sorry for the quick turnaround – the order
said we had to file by 10.

From: Krouse, Michael (USANYS)
<MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS)
<SCrowley@usa.doj.gov>; Bove, Emil (USANYS)
<EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>;
Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse,
Michael (USANYS) <MKrouse@usa.doj.gov>; Lynch,
Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett
(USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>;
Lynch, Garrett <LynchG@dany.nyc.gov>; Lake,
Stephanie (USANYS) <SLake@usa.doj.gov>; Lynch,
Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these objections

In 10 minutes unless anyone has objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

<[279] Def resp re brady.pdf>

<[279-1] Def resp re brady.pdf>

<[280] Def resp re brady.pdf>

<[280-1] Def resp re brady.pdf>

EXHIBIT 94

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Sunday, March 8, 2020 11:43 PM
To: Crowley, Shawn (USANYS)
Subject: Re: Draft

Is she okay? I didn't know what other word to use, but I'm worried about her.

On Mar 8, 2020, at 11:38 PM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

I'm sure you know this, but Steph's issue isn't about stress. We appreciate you guys being teammates and understanding why she had to leave. I know she does too.

On Mar 8, 2020, at 11:30 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Their second response. Well, I'm glad Stephanie asked me to send the emails so this doesn't stress her more.

From: Bove, Emil (USANYS) <EBove@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:28 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Cc: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: Re: Draft

We're going to smash these guys.

On Mar 8, 2020, at 11:23 PM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

Thank you. We'll leave you guys alone tonight unless you need us. Hang in there—we'll get through this just fine. We're excited for your summations

On Mar 8, 2020, at 11:15 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Minus Stephanie (don't want to stress her out/make her feel more sick).

From: Crowley, Shawn (USANYS)
<SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:03 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>;
Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake,
Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: Re: Draft

Thanks guys. Can you forward along any reply? Thank
you

On Mar 8, 2020, at 9:55 PM, Kim, Jane
(USANYS) 4 <JKim4@usa.doj.gov>
wrote:

And really sorry for the quick
turnaround – the order said we had to
file by 10.

From: Krouse, Michael (USANYS)
<MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS)
<SCrowley@usa.doj.gov>; Bove, Emil
(USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS)
<SLake@usa.doj.gov>; Kim, Jane
(USANYS) 4 <JKim4@usa.doj.gov>
Subject: Draft

Not sure Stephanie sent this to you.

From: Lake, Stephanie (USANYS)
<SLake@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:31 PM
To: Kim, Jane (USANYS) 4
<JKim4@usa.doj.gov>; Krouse, Michael
(USANYS) <MKrouse@usa.doj.gov>;
Lynch, Garrett
<LynchG@dany.nyc.gov>; Lynch,
Garrett (USANYS) [Contractor]
<GLynch@usa.doj.gov>
Subject: RE: Proofing and then I'll file
these objections

Here's a shitty draft.

From: Kim, Jane (USANYS) 4
<JKim4@usa.doj.gov>
Sent: Sunday, March 08, 2020 9:15 PM
To: Krouse, Michael (USANYS)
<MKrouse@usa.doj.gov>; Lynch,
Garrett <LynchG@dany.nyc.gov>; Lake,
Stephanie (USANYS)
<SLake@usa.doj.gov>; Lynch, Garrett
(USANYS) [Contractor]
<GLynch@usa.doj.gov>
Subject: Proofing and then I'll file these
objections

In 10 minutes unless anyone has
objections.

Jane Kim
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

<[279] Def resp re brady.pdf>
<[279-1] Def resp re brady.pdf>

<[280] Def resp re brady.pdf>
<[280-1] Def resp re brady.pdf>

EXHIBIT 95

Kim, Jane (USANYS) 4

From: Crowley, Shawn (USANYS)
Sent: Sunday, March 8, 2020 11:47 PM
To: Kim, Jane (USANYS) 4
Subject: Re: Draft

She's having some serious health issues and had to go home, and likely to the doctor tomorrow. She will be ok, but I think it's unlikely she will be in court tomorrow. We will let judge Nathan know in the morning.

On Mar 8, 2020, at 11:42 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Is she okay? I didn't know what other word to use, but I'm worried about her.

On Mar 8, 2020, at 11:38 PM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

I'm sure you know this, but Steph's issue isn't about stress. We appreciate you guys being teammates and understanding why she had to leave. I know she does too.

On Mar 8, 2020, at 11:30 PM, Kim, Jane (USANYS) 4
<JKim4@usa.doj.gov> wrote:

Their second response. Well, I'm glad Stephanie asked me to send the emails so this doesn't stress her more.

From: Bove, Emil (USANYS) <EBove@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:28 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Cc: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: Re: Draft

We're going to smash these guys.

On Mar 8, 2020, at 11:23 PM, Crowley, Shawn (USANYS)
<SCrowley@usa.doj.gov> wrote:

Thank you. We'll leave you guys alone tonight unless you need us. Hang in there—we'll get through this just fine. We're excited for your summations

On Mar 8, 2020, at 11:15 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Minus Stephanie (don't want to stress her out/make her feel more sick).

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:03 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: Re: Draft

Thanks guys. Can you forward along any reply? Thank you

On Mar 8, 2020, at 9:55 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

And really sorry for the quick turnaround – the order said we had to file by 10.

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Sunday, March 8, 2020 9:50 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>
Cc: Lake, Stephanie (USANYS)

<SLake@usa.doj.gov>;

Kim, Jane (USANYS) 4

<JKim4@usa.doj.gov>

Subject: Draft

Not sure Stephanie sent
this to you.

From: Lake, Stephanie
(USANYS)

<SLake@usa.doj.gov>

Sent: Sunday, March 8,
2020 9:31 PM

To: Kim, Jane (USANYS)
4

<JKim4@usa.doj.gov>;

Krouse, Michael
(USANYS)

<MKrouse@usa.doj.gov

>; Lynch, Garrett

<LynchG@dany.nyc.gov

>; Lynch, Garrett
(USANYS) [Contractor]

<GLynch@usa.doj.gov>

Subject: RE: Proofing
and then I'll file these
objections

Here's a shitty draft.

From: Kim, Jane
(USANYS) 4

<JKim4@usa.doj.gov>

Sent: Sunday, March
08, 2020 9:15 PM

To: Krouse, Michael
(USANYS)

<MKrouse@usa.doj.gov

>; Lynch, Garrett

<LynchG@dany.nyc.gov

>; Lake, Stephanie
(USANYS)

<SLake@usa.doj.gov>;

Lynch, Garrett
(USANYS) [Contractor]

<GLynch@usa.doj.gov>

Subject: Proofing and
then I'll file these
objections

In 10 minutes unless
anyone has objections.

Jane Kim
Assistant United States
Attorney
Southern District of
New York
One St. Andrew's Plaza
New York, New York
10007
Phone: (212) 637-2038
Email: jane.kim@usdoj.gov

<[279] Def resp re brady.pdf>

<[279-1] Def resp re brady.pdf>

<[280] Def resp re brady.pdf>

<[280-1] Def resp re brady.pdf>

EXHIBIT 96

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Sunday, March 8, 2020 11:59 PM
To: Crowley, Shawn (USANYS)
Subject: Re: Draft

If there's anything we can do or if you hear updates, please let us know. She'll be on our minds all night. When she left, she said she didn't feel like coming in tomorrow and the Brady stuff was too stressful—I didn't realize it was so serious. Really hope she's okay.

On Mar 8, 2020, at 11:47 PM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

She's having some serious health issues and had to go home, and likely to the doctor tomorrow. She will be ok, but I think it's unlikely she will be in court tomorrow. We will let judge Nathan know in the morning.

On Mar 8, 2020, at 11:42 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Is she okay? I didn't know what other word to use, but I'm worried about her.

On Mar 8, 2020, at 11:38 PM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

I'm sure you know this, but Steph's issue isn't about stress. We appreciate you guys being teammates and understanding why she had to leave. I know she does too.

On Mar 8, 2020, at 11:30 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Their second response. Well, I'm glad Stephanie asked me to send the emails so this doesn't stress her more.

From: Bove, Emil (USANYS) <EBove@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:28 PM
To: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Cc: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: Re: Draft

We're going to smash these guys.

On Mar 8, 2020, at 11:23 PM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

Thank you. We'll leave you guys alone tonight unless you need us. Hang in there—we'll get through this just fine. We're excited for your summations

On Mar 8, 2020, at 11:15 PM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Minus Stephanie (don't want to stress her out/make her feel more sick).

From: Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov>
Sent: Sunday, March 8, 2020 11:03 PM
To: Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Cc: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>; Bove, Emil (USANYS) <EBove@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>
Subject: Re: Draft

Thanks guys. Can you forward along any reply? Thank you

On Mar 8, 2020, at 9:55 PM, Kim,

Jane
(USANY
S) 4
<[JKim4@usa.d
oj.gov](mailto:JKim4@usa.doj.gov)>
wrote:

And
really
sorry
for the
quick
turnaro
und –
the
order
said we
had to
file by
10.

From:
Krouse,
Michael
(USANY
S)
<[MKrouse@us
a.doj.g
ov](mailto:MKrouse@usa.doj.gov)>

Sent:
Sunday,
March
8, 2020
9:50
PM

To:
Crowle
y,
Shawn
(USANY
S)
<[SCrow
ley@us
a.doj.g
ov](mailto:SCrowley@usa.doj.gov)>;
Bove,
Emil
(USANY
S)

<EBove@usa.doj.gov>

Cc:

Lake,
Stepha
nie
(USANY
S)

<SLake@usa.doj.gov>;

Kim,
Jane
(USANY
S) 4

<JKim4@usa.doj.gov>

Subject

: Draft

Not
sure
Stepha
nie sent
this to
you.

From:

Lake,
Stepha
nie
(USANY
S)

<SLake@usa.doj.gov>

Sent:

Sunday,
March
8, 2020
9:31
PM

To:

Kim,
Jane
(USANY
S) 4

<JKim4@usa.doj.gov>;

Krouse,
Michael
(USANY
S)
<MKrouse@usa.doj.gov>;
Lynch,
Garrett
<LynchG@dan.y.nyc.gov>;
Lynch,
Garrett
(USANY
S)
[Contractor]
<GLynch@usa.doj.gov>
>

Subject

: RE:
Proofing and
then I'll
file
these
objecti
ons

Here's
a shitty
draft.

From:

Kim,
Jane
(USANY
S) 4
<JKim4@usa.doj.gov>

Sent:

Sunday,
March
08,
2020
9:15

PM

To:

Krouse,
Michael
(USANY
S)

<MKrouse@usa.doj.gov>;

Lynch,
Garrett

<LynchG@dan.y.nyc.gov>;

Lake,
Stepha
nie

(USANY
S)

<SLake@usa.doj.gov>;

Lynch,
Garrett
(USANY
S)

[Contra
ctor]

<GLynch@usa.doj.gov>

>

Subject

:

Proo
fin
g and
then I'll
file
these
objecti
ons

In 10
minute
s unless
anyone
has
objecti
ons.

Jane
Kim
Assista
nt
United
States
Attorne
y
Souther
n
District
of New
York
One St.
Andrew
's Plaza
New
York,
New
York
10007
Phone:
(212)
637-
2038
Email: jane.kim@usdoj.gov

<[279] Def resp re
brady.pdf>
<[279-1] Def resp re
brady.pdf>

<[280] Def resp re brady.pdf>
<[280-1] Def resp re brady.pdf>

EXHIBIT 97

Kim, Jane (USANYS) 4

From: Nathan NYSD Chambers <NathanNYSDChambers@nysd.uscourts.gov>
Sent: Monday, March 9, 2020 1:09 AM
To: Kim, Jane (USANYS) 4; Lake, Stephanie (USANYS); Bbishop_steptoe.com; Fragale, David; Levin, Michelle; Silverman, Nicholas; Weingarten, Reid; Lynch, Garrett; Lynch, Garrett (USANYS) [Contractor]; Heberlig, Brian; Krouse, Michael (USANYS)
Subject: RE: Order in 18cr224
Attachments: 18cr224 Order 3.9.20.pdf

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket today. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 9:42 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 9:06 PM
To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <DFragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 5:01 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find a third Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 4:04 PM
To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <Dfragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:48 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle

<mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Please confirm receipt of this Order.

Sincerely,

Alyssa O’Gallagher

Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 12:41 PM

To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket on Monday.

Sincerely,

Alyssa O’Gallagher

Law Clerk to the Hon. Alison J. Nathan

EXHIBIT 97-1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

–v–

Ali Sadr Hashemi Nejad,

Defendant.

18-cr-224 (AJN)

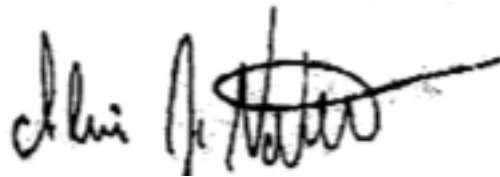
ORDER

ALISON J. NATHAN, District Judge:

The parties shall be ready to begin today, March 9, 2020, at 8:30 a.m. The Government shall be prepared to discuss, among other matters, its representation to the Court (in response to the Court’s March 8, 2020 Order) that it “made clear” in its March 7 correspondence with Mr. Sadr’s counsel “that GX 411 was a newly marked exhibit.” *See* Dkt. No. 277.

SO ORDERED.

Dated: March 9, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', with a stylized flourish extending to the right.

ALISON J. NATHAN
United States District Judge

EXHIBIT 98

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Monday, March 9, 2020 5:48 AM
To: Bove, Emil (USANYS); Crowley, Shawn (USANYS)
Cc: Krouse, Michael (USANYS)
Subject: Fwd: Order in 18cr224
Attachments: 18cr224 Order 3.9.20.pdf; ATT00001.htm

Begin forwarded message:

From: Nathan NYSD Chambers <NathanNYSDChambers@nysd.uscourts.gov>
Date: March 9, 2020 at 1:08:53 AM EDT
To: "Kim, Jane (USANYS) 4" <Jane.Kim@usdoj.gov>, "Lake, Stephanie (USANYS)" <Stephanie.Lake@usdoj.gov>, "Bishop Steptoe" <Bishop@steptoe.com>, "Fragale, David" <Dfragale@steptoe.com>, "Levin, Michelle" <mlevin@steptoe.com>, "Silverman, Nicholas" <nsilverman@steptoe.com>, "Weingarten, Reid" <RWeingarten@steptoe.com>, "Lynch, Garrett" <LynchG@dany.nyc.gov>, "Lynch, Garrett (USANYS) [Contractor]" <Garrett.Lynch@usdoj.gov>, "Heberlig, Brian" <BHeberlig@steptoe.com>, "Krouse, Michael (USANYS)" <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket today. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 9:42 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bishop Steptoe <Bishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher

Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 9:06 PM

To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <DFragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,

Alyssa O'Gallagher

Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 5:01 PM

To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Attached please find a third Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,

Alyssa O'Gallagher

Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 4:04 PM

To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <DFragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig,

Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,

Alyssa O'Gallagher

Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 12:48 PM

To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop [steptoe.com](mailto:Bbishop@steptoe.com) <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Please confirm receipt of this Order.

Sincerely,

Alyssa O'Gallagher

Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers

Sent: Sunday, March 8, 2020 12:41 PM

To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop [steptoe.com](mailto:Bbishop@steptoe.com) <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>

Subject: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket on Monday.

Sincerely,

Alyssa O'Gallagher

Law Clerk to the Hon. Alison J. Nathan

EXHIBIT 98-1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

–v–

Ali Sadr Hashemi Nejad,

Defendant.

18-cr-224 (AJN)

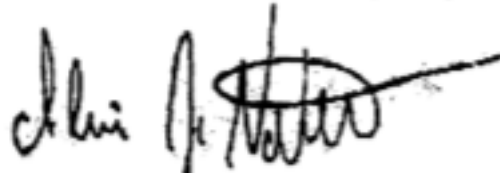
ORDER

ALISON J. NATHAN, District Judge:

The parties shall be ready to begin today, March 9, 2020, at 8:30 a.m. The Government shall be prepared to discuss, among other matters, its representation to the Court (in response to the Court’s March 8, 2020 Order) that it “made clear” in its March 7 correspondence with Mr. Sadr’s counsel “that GX 411 was a newly marked exhibit.” *See* Dkt. No. 277.

SO ORDERED.

Dated: March 9, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', with a large, stylized flourish extending from the end.

ALISON J. NATHAN
United States District Judge

EXHIBIT 99

Kim, Jane (USANYS) 4

From: Crowley, Shawn (USANYS)
Sent: Monday, March 9, 2020 7:24 AM
To: Kim, Jane (USANYS) 4
Cc: Bove, Emil (USANYS); Krouse, Michael (USANYS)
Subject: Re: Order in 18cr224

Thanks guys. I know you've got this, but I think we need to fall on our sword big time here. We didn't make that clear in the transmittal email and shouldn't have represented that we did. We'll see you soon. It's going to be ok.

On Mar 9, 2020, at 5:48 AM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Begin forwarded message:

From: Nathan NYSD Chambers <NathanNYSDChambers@nysd.uscourts.gov>
Date: March 9, 2020 at 1:08:53 AM EDT
To: "Kim, Jane (USANYS) 4" <Jane.Kim@usdoj.gov>, "Lake, Stephanie (USANYS)" <Stephanie.Lake@usdoj.gov>, "Bishop, Stephanie" <Bishop@steptoe.com>, "Fragale, David" <Dfragale@steptoe.com>, "Levin, Michelle" <mlevin@steptoe.com>, "Silverman, Nicholas" <nsilverman@steptoe.com>, "Weingarten, Reid" <RWeingarten@steptoe.com>, "Lynch, Garrett" <LynchG@dany.nyc.gov>, "Lynch, Garrett (USANYS) [Contractor]" <Garrett.Lynch@usdoj.gov>, "Heberlig, Brian" <BHeberlig@steptoe.com>, "Krouse, Michael (USANYS)" <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket today. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 9:42 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bishop, Stephanie <Bishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 9:06 PM
To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <DFragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 5:01 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find a third Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 4:04 PM
To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <DFragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:48 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Please confirm receipt of this Order.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:41 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket on Monday.

Sincerely,

Alyssa O’Gallagher

Law Clerk to the Hon. Alison J. Nathan

<18cr224 Order 3.9.20.pdf>

EXHIBIT 100

Kim, Jane (USANYS) 4

From: Krouse, Michael (USANYS)
Sent: Monday, March 9, 2020 7:35 AM
To: Crowley, Shawn (USANYS)
Cc: Kim, Jane (USANYS) 4; Bove, Emil (USANYS)
Subject: Re: Order in 18cr224

I'm ready to fall. I'm here if you'd like to discuss.

Sent from my iPhone

On Mar 9, 2020, at 7:24 AM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

Thanks guys. I know you've got this, but I think we need to fall on our sword big time here. We didn't make that clear in the transmittal email and shouldn't have represented that we did. We'll see you soon. It's going to be ok.

On Mar 9, 2020, at 5:48 AM, Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov> wrote:

Begin forwarded message:

From: Nathan NYSD Chambers
<NathanNYSDChambers@nysd.uscourts.gov>
Date: March 9, 2020 at 1:08:53 AM EDT
To: "Kim, Jane (USANYS) 4" <Jane.Kim@usdoj.gov>, "Lake, Stephanie (USANYS)" <Stephanie.Lake@usdoj.gov>, "Bbishop@steptoe.com" <Bbishop@steptoe.com>, "Fragale, David" <DFragale@steptoe.com>, "Levin, Michelle" <mlevin@steptoe.com>, "Silverman, Nicholas" <nsilverman@steptoe.com>, "Weingarten, Reid" <RWeingarten@steptoe.com>, "Lynch, Garrett" <LynchG@dany.nyc.gov>, "Lynch, Garrett (USANYS) [Contractor]" <Garrett.Lynch@usdoj.gov>, "Heberlig, Brian" <BHeberlig@steptoe.com>, "Krouse, Michael (USANYS)" <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket today. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 9:42 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 9:06 PM
To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <Dfragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 5:01 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie

(USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com
<Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>;
Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas
<nsilverman@steptoe.com>; Weingarten, Reid
<RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>;
Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>;
Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS)
<Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Attached please find a third Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 4:04 PM
To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com
<Bbishop@steptoe.com>; 'Fragale, David' <DFragale@steptoe.com>;
'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas'
<nsilverman@steptoe.com>; 'Weingarten, Reid'
<RWeingarten@steptoe.com>; 'Lynch, Garrett'
<LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]'
<Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian'
<BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)'
<Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:48 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop_steptoe.com
<Bbishop@steptoe.com>; Fragale, David <DFragale@steptoe.com>;
Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas
<nsilverman@steptoe.com>; Weingarten, Reid
<RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>;
Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>;

Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS)
<Michael.Krouse@usdoj.gov>

Subject: RE: Order in 18cr224

Counsel,

Please confirm receipt of this Order.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:41 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket on Monday.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

<18cr224 Order 3.9.20.pdf>

EXHIBIT 101

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Monday, March 9, 2020 7:38 AM
To: Krouse, Michael (USANYS)
Cc: Crowley, Shawn (USANYS); Bove, Emil (USANYS)
Subject: Re: Order in 18cr224

I've already stabbed myself.

On Mar 9, 2020, at 7:34 AM, Krouse, Michael (USANYS) <MKrouse@usa.doj.gov> wrote:

I'm ready to fall. I'm here if you'd like to discuss.

Sent from my iPhone

On Mar 9, 2020, at 7:24 AM, Crowley, Shawn (USANYS) <SCrowley@usa.doj.gov> wrote:

Thanks guys. I know you've got this, but I think we need to fall on our sword big time here. We didn't make that clear in the transmittal email and shouldn't have represented that we did. We'll see you soon. It's going to be ok.

On Mar 9, 2020, at 5:48 AM, Kim, Jane (USANYS) 4
<JKim4@usa.doj.gov> wrote:

Begin forwarded message:

From: Nathan NYSD Chambers
<NathanNYSDChambers@nysd.uscourts.gov>
Date: March 9, 2020 at 1:08:53 AM EDT
To: "Kim, Jane (USANYS) 4" <Jane.Kim@usdoj.gov>, "Lake, Stephanie (USANYS)" <Stephanie.Lake@usdoj.gov>, "Bbishop_steptoe.com" <Bbishop@steptoe.com>, "Fragale, David" <Dfragale@steptoe.com>, "Levin, Michelle" <mlevin@steptoe.com>, "Silverman, Nicholas" <nsilverman@steptoe.com>, "Weingarten, Reid" <RWeingarten@steptoe.com>, "Lynch, Garrett" <LynchG@dany.nyc.gov>, "Lynch, Garrett (USANYS) [Contractor]" <Garrett.Lynch@usdoj.gov>, "Heberlig, Brian" <BHeberlig@steptoe.com>, "Krouse, Michael (USANYS)" <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket today. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 9:42 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 9:06 PM
To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; 'Fragale, David' <Dfragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 5:01 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; [Bbishop steptoe.com](mailto:Bbishop@steptoe.com) <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find a third Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 4:04 PM
To: 'Kim, Jane (USANYS) 4' <Jane.Kim@usdoj.gov>; 'Lake, Stephanie (USANYS)' <Stephanie.Lake@usdoj.gov>; [Bbishop steptoe.com](mailto:Bbishop@steptoe.com) <Bbishop@steptoe.com>; 'Fragale, David' <Dfragale@steptoe.com>; 'Levin, Michelle' <mlevin@steptoe.com>; 'Silverman, Nicholas' <nsilverman@steptoe.com>; 'Weingarten, Reid' <RWeingarten@steptoe.com>; 'Lynch, Garrett' <LynchG@dany.nyc.gov>; 'Lynch, Garrett (USANYS) [Contractor]' <Garrett.Lynch@usdoj.gov>; 'Heberlig, Brian' <BHeberlig@steptoe.com>; 'Krouse, Michael (USANYS)' <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Attached please find another Order from Judge Nathan that will appear on the docket on Monday. Please confirm receipt.

Sincerely,
Alyssa O’Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:48 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: RE: Order in 18cr224

Counsel,

Please confirm receipt of this Order.

Sincerely,
Alyssa O’Gallagher
Law Clerk to the Hon. Alison J. Nathan

From: Nathan NYSD Chambers
Sent: Sunday, March 8, 2020 12:41 PM
To: Kim, Jane (USANYS) 4 <Jane.Kim@usdoj.gov>; Lake, Stephanie (USANYS) <Stephanie.Lake@usdoj.gov>; Bbishop@steptoe.com <Bbishop@steptoe.com>; Fragale, David <Dfragale@steptoe.com>; Levin, Michelle <mlevin@steptoe.com>; Silverman, Nicholas <nsilverman@steptoe.com>; Weingarten, Reid <RWeingarten@steptoe.com>; Lynch, Garrett <LynchG@dany.nyc.gov>; Lynch, Garrett (USANYS) [Contractor] <Garrett.Lynch@usdoj.gov>; Heberlig, Brian <BHeberlig@steptoe.com>; Krouse, Michael (USANYS) <Michael.Krouse@usdoj.gov>
Subject: Order in 18cr224

Counsel,

Attached please find an Order from Judge Nathan that will appear on the docket on Monday.

Sincerely,
Alyssa O'Gallagher
Law Clerk to the Hon. Alison J. Nathan

<18cr224 Order 3.9.20.pdf>

EXHIBIT 102

Kim, Jane (USANYS) 4

From: Krouse, Michael (USANYS)
Sent: Monday, March 9, 2020 7:59 AM
To: Lynch, Garrett (USANYS) [Contractor]; Lake, Stephanie (USANYS); Kim, Jane (USANYS) 4
Subject: RE: Order

I will handle the argument about GX 411. Can one of you handle: (1) making sure we have admitted everything we want to admit as exhibits; (2) arguing defense exhibits?

From: Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Sent: Monday, March 9, 2020 7:56 AM
To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: Order

What is the order for today? Is this it?

1. Peri cross/redirect.
2. Payments.
3. Payment problems.
4. Travel.
5. Follow the money.
6. Conte.
7. Evasion.

EXHIBIT 103

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Monday, March 9, 2020 8:00 AM
To: Krouse, Michael (USANYS); Lynch, Garrett (USANYS) [Contractor]; Lake, Stephanie (USANYS)
Subject: RE: Order

Yes. I can also put in Stephanie's stuff and put Conte on.

From: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Sent: Monday, March 9, 2020 7:59 AM
To: Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>; Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>
Subject: RE: Order

I will handle the argument about GX 411. Can one of you handle: (1) making sure we have admitted everything we want to admit as exhibits; (2) arguing defense exhibits?

From: Lynch, Garrett (USANYS) [Contractor] <GLynch@usa.doj.gov>
Sent: Monday, March 9, 2020 7:56 AM
To: Lake, Stephanie (USANYS) <SLake@usa.doj.gov>; Kim, Jane (USANYS) 4 <JKim4@usa.doj.gov>; Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject: Order

What is the order for today? Is this it?

1. Peri cross/redirect.
2. Payments.
3. Payment problems.
4. Travel.
5. Follow the money.
6. Conte.
7. Evasion.

EXHIBIT 104

Kim, Jane (USANYS) 4

From: Kim, Jane (USANYS) 4
Sent: Monday, March 9, 2020 6:18 PM
To: Krouse, Michael (USANYS)
Subject: No recollection of seeing exhibit

No recollection of seeing exhibit

No interactions with OFAc about sadr or XX

These dates, DANY investigation. I was assigned. Other AUSAs assigned. Today I spoke to xyz. On x, voluntarily produced. On x, DOJ, DANY, x entered into a DP with commerce banks. Based on information from a confidential source, DANY started investigating Sadr x. On x, they issued a subpoena to Commerzbank requesting xyz. Garrett got files. Continued investigation. Presented to us on xyz. Transmitted that presentation to OFAC. We produced Commerzvank stuff on this date.

Something describing his diligence today. He thinks first time he sent GX 411 on this day. Attach transmittal email unless highly sensitive. Why did he suddenly think about it? We acknowledge that at the time this was transferred, he was a member of the prosecution team, failure. Should have but did not assess whether produced. Assumed it had been produced. Friday night, Stephanie finds it. Then rehash the chron. In response to the Court's order, scrubbed files. Then Sunday night, we called and emailed OFAC. Describe OFAC's diligence. Will stipulate toxyz.

Steptoe publicized the settlement FN

EXHIBIT 105

Kim, Jane (USANYS) 4

From: Krouse, Michael (USANYS)
Sent: Monday, March 9, 2020 6:33 PM
To: Bove, Emil (USANYS); Crowley, Shawn (USANYS); Kim, Jane (USANYS) 4
Subject: FW:
Attachments: 00206BBA05AF200309182049.pdf; Draft declaration (Lynch).docx

From: Lynch, Garrett <LynchG@dany.nyc.gov>
Sent: Monday, March 9, 2020 6:23 PM
To: Krouse, Michael (USANYS) <MKrouse@usa.doj.gov>
Subject:

Draft declaration and related docs attached.

Garrett A. Lynch
Deputy Bureau Chief
Major Economic Crimes Bureau
New York County District Attorney's Office
(212) 335-4335
lynchg@dany.nyc.gov

This email communication and any files transmitted with it contain privileged and confidential information from the New York County District Attorney's Office and are intended solely for the use of the individuals or entity to whom it has been addressed. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this email is strictly prohibited. If you have received this email in error, please delete it and notify the sender by return email.

EXHIBIT 105-1

DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-8000



CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

August 31, 2015

VIA CERTIFIED MAIL

Commerzbank AG
Legal Services
225 Liberty Street
New York, NY 10281

Re: Investigation No. M2013-00223036

Dear Custodian of Records:

Enclosed, please find a grand jury subpoena relating to the above-referenced investigation. Also, please find a business records affidavit attesting to the validity of records. Please have a duly authorized custodian of records, or other employee or agent who is familiar with such records, sign and return the attached affidavit along with the records produced.

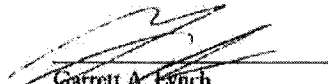
These records are needed in connection with a grand jury investigation. **These records are needed on or before September 14, 2015.** In lieu of appearing personally with the requested documents, you may email the requested material to ThomasM@dany.nyc.gov (if less than 10mb); or deliver CDs, DVDs, or USB 2.0 external hard drives to the New York County District Attorney's Office, One Hogan Place, New York, NY 10013, Major Economic Crimes Bureau, to the attention of Financial Intelligence Analyst Matthew Thomas.

Please Note: This subpoena calls for an electronic copy of wire transfers processed through the Clearing House Interbank Payments Systems.

You are ORDERED not to disclose the existence of this subpoena. Such disclosure might impede the investigation being conducted and interfere with the enforcement of law.

Please note that *electronic copies are preferred*. If you have any questions concerning the subpoena, please call Mr. Thomas at 212-335-4053. Your attention to this matter is greatly appreciated.

Sincerely,


Garrett A. Lynch
Assistant District Attorney
212-335-4335

Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

John Doe,

Defendant.

BUSINESS RECORDS AFFIDAVIT

STATE OF NEW YORK
COUNTY OF NEW YORK

M2013-00223036

I _____, declare that I am a duly authorized custodian of the records, or other employee or agent, of _____ (name of business), and am familiar with the record keeping practices of _____ (name of business). I make this affidavit pursuant to New York State Criminal Procedure Law Section 190.30(8).

Attached hereto are _____ [circle one] page(s)/CD(s)/flash drive(s) of records of account number _____. These pages contain the following types of records [list or description of records]:

I am familiar with the above-described records. These records were made in the regular course of business, and it was the regular course of such business to make and keep these records. The records were made at the time of the recorded act, transaction, occurrence or event, or within a reasonable time thereafter. The person who made these records was under a business duty to do so accurately.

False statements made herein are punishable as a Class A misdemeanor pursuant to P.L. § 210.45.

X

Signature (Deponent)

Date

SUBPOENA

(Ducce Terum)

FOR A WITNESS TO ATTEND THE
GRAND JURY

In the Name of the People of the State of New York

To: Commerzbank AG

YOU ARE COMMANDED to appear before the **GRAND JURY** of the County of New York, at the Grand Jury Room 9, of the District Attorney's Office, at, 100 Centre Street (between Hogan Place and White Street), on the 9th floor in the Borough of Manhattan, of the City of the New York, on September 14, 2015 at 9:00AM, as a witness in a Grand Jury investigation:

Investigation into the Business and Affairs of John Doe (Case No. M2013-00223036)

AND, YOU ARE DIRECTED TO BRING WITH YOU AND PRODUCE AT THE TIME AND PLACE AFORESAID, THE FOLLOWING ITEMS IN YOUR CUSTODY:

SEE EXHIBIT A


IF YOU FAIL TO ATTEND AND PRODUCE SAID ITEMS, you may be adjudged guilty of a Criminal Contempt of Court, and liable to a fine of one thousand dollars and imprisonment for one year.


YOU ARE ORDERED not to disclose the existence of this subpoena. Such disclosure would impede the investigation being conducted and interfere with the enforcement of law.

Dated in the County of New York,
August 31, 2015

So Ordered:

CYRUS R. VANCE, JR.
District Attorney, New York County


Justice of the Supreme Court
State of New York

By: 
Garrett A. Lynch
Assistant District Attorney
(212) 335-4335

PT. 1 AUG 31 2015

HON. ABRAHAM L. CLOTT

Note: In lieu of appearing personally with the requested data, you may e-mail or deliver electronic copies. E-mail the requested material to ThomasM@dny.nyc.gov if less than 10mb; or deliver CDs, DVDs, or USB 2.0 external hard drives to the New York County District Attorney's Office, One Hogan Place, Major Economic Crimes Bureau, New York, NY 10013, for the attention of Assistant District Attorney Garrett A. Lynch c/o Matthew Thomas.

Case No.: M2013-00223036

EXHIBIT "A" TO SUBPOENA DATED AUGUST 31, 2015

ITEMS TO BE PRODUCED are those in the actual and constructive possession of Citibank, N.A. and all entities, agents, officers, employees, officials, over which it has control, including its subsidiaries:

For the time period of January 1, 2010 through the present (date of this subpoena), provide electronic copies of any and all wire transfers, book transfers, rejected wire transfers, originating from, benefiting, and/or otherwise referencing the following entities: Fondo Chino Venezolano (aka, Chinese Venezuelan Fund), Stratus International Contracting J.S., Stratus Global Investments Ltd., Clarity Trade and Finance S.A., Spantise Holding GmbH, Petroleosa de Venezuela (aka, PDVSA), Straturk Insaat Ve Taahhut A.S., including, but not limited to, the following wire transfer information:

1. Possible Originating Bank: Banco Del Tesoro, Caracas, Venezuela, BDTEVECA
2. Possible Beneficiary Bank: HypoSwiss Private Bank, Zurich, Switzerland, SHHBCHZZ (aka, HypoSwiss Privatbank, Falcon Private Bank, Falcon Privatbank)
3. Possible Account Number: IBAN CH7708530519663100203
4. Possible CHIPS System Sequence Number: 0262787
5. Possible Credit/Debit Reference Number: FAAS109400150500
6. Possible Transaction Reference Number: 5111500094FC
7. Possible Transaction Date: 4/4/2011
8. Possible Amount: USD \$29,442,967.57

DEFINITIONS AND INSTRUCTIONS

As used herein, unless otherwise indicated, the following terms shall have the meanings set forth below:

A. "Related accounts" are those accounts that: (i) are or were held by the same person(s) or entities; (ii) are or were held by a family relation or business partner; (iii) share or shared corporate ownership; (iv) share or shared subsidiaries; (v) share or shared parent entities; and (vi) share or shared the same signatories.

B. The words "relating to," "including," "including but not limited to," and "concerning" shall be construed as is necessary in each case to make the request to produce inclusive rather than exclusive, and are intended to convey, as appropriate in context, the concepts of comprising, respecting, referring to, embodying, evidencing, connected with, commenting on, responding to, showing, refuting, describing, analyzing, reflecting, presenting, and consisting of, constituting, mentioning, defining, involving, or explaining, pertaining to in any way, expressly or impliedly, to the matter called for.

C. The words "and," "or," "each," and "all" shall be construed as is necessary in each case to make each request to produce inclusive rather than exclusive.

Commerzbank AG
MST [Signature]
Sept. 15, 2015

D. Terms in the plural include the singular and terms in the singular include the plural. Terms in the male include the female and terms in the female include the male. Neutral gender terms include all.

E. "Document" includes without limitation, any written, printed, typed, photocopied, photographic, recorded or otherwise created or reproduced communication or representation, whether comprised of letters, words, numbers, pictures, sounds or symbols, or any combination thereof, in the form maintained, having access to, constructively possessed, physically possessed, and controlled. This definition includes copies or duplicates of documents contemporaneously or subsequently created that have any non-conforming notes or other markings, and drafts, preliminary versions, and revisions of such. It includes, without limitation, correspondence, memoranda, notes, records, letters, envelopes, telegrams, faxes, messages, emails, voice mails, instant messenger services, studies, analyses, contracts, agreements, working papers, summaries, work papers, calendars, diaries, reports. It includes, without limitation, internal and external communications of any type. It includes without limitation documents in physical, electronic, audio, digital, video existence, and all data compilations from which the data sought can be obtained, including electronic and computer as well as by means of other storage systems, in the form maintained and in usable form.

F. "Communication" includes every means of transmitting, receiving or recording transmission or receipt of facts, information, opinion, data, or thoughts by one person, and between one and more persons, entities, or things.

Lynch, Garrett

From: Lynch, Garrett
Sent: Thursday, May 19, 2016 11:22 AM
To: Conroy, Christopher
Subject: FYI

Tracking:	Recipient	Read
	Conroy, Christopher	Read: 5/19/2016 11:25 AM

I ran our general facts in Housing by Dondarski again and he agrees we're on firm ground that it's violative (although, he did say it would be harder to establish on the payer side – but I think if we're just targeting Parada, we probably have enough – for someone like Aular who's just cutting the checks, no).

Lynch, Garrett

From: Lynch, Garrett
Sent: Monday, August 1, 2016 12:36 PM
To: 'Michael.Dondarski@treasury.gov'
Subject: Request

Sir, I hope you're doing well in your new position and enjoying your summer.

We have a case that we intend to present to a grand jury in the next couple months that is similar to our IRISL case back in 2011 (and similar to SDNY's current Zarrab case), and I'm reaching out for a couple of reasons. We've spoken about the case in general terms before – it involves an Iranian company doing business in South America and receiving USD payments (cleared through the US) through front company accounts in Switzerland. Our evidence is pretty strong that our targets were aware of US sanctions and structured the USD payments to evade them and to disguise the Iranian connection to the payments (moreover, our primary Iranian targets was a U.S. person for a chunk of the relevant period – he got his green card in 2012).

Anyway, we'd like to coordinate with OFAC for two reasons: (1) to provide you with information so you can take action on your own if so desired, and (2) we'd love to have an OFAC rep testify in the grand jury about US sanctions, IEEPA, the ITSRs, etc., as David Tessler did back in 2011 on the IRISL case. Who's the best person for us to contact about either or both? Thanks!

Best,
Garrett

Lynch, Garrett

From: Lynch, Garrett
Sent: Wednesday, August 3, 2016 9:26 AM
To: Hochhauser, Rachel; Maloney, Christina
Subject: FW: Request

Tracking:	Recipient	Read
	Hochhauser, Rachel	Read: 8/3/2016 10:23 AM
	Maloney, Christina	Read: 8/3/2016 9:44 AM

The last guy we used was from the Global Targeting division, but I can't imagine it matters for what we need, which is pretty high level.

From: Michael.Dondarski@treasury.gov [mailto:Michael.Dondarski@treasury.gov]
Sent: Tuesday, August 02, 2016 6:43 PM
To: Lynch, Garrett
Cc: Jeremy.Sausser@treasury.gov; Rachel.Fiorill@treasury.gov; Rosanna.Wells@treasury.gov; Julie.Malec@treasury.gov
Subject: RE: Request

Mr. Lynch,

I hope all is well and that you're enjoying your summer, too. My apologies for not getting back to you sooner. I've been going through a painful email exercise at work that has wreaked havoc on my ability to receive, read, or send emails over the past few days. I hope it is, or will soon be, resolved.

As for your inquiry below, we (OFAC Enforcement) would be the right shop/unit for you to touch base with on the issues below. Let us discuss internally and reach out to you sometime this week. I'll be out-of-the-office starting Thursday for a couple of days (I'll be back on Wednesday the 10th) but will make sure we touch base with you before my trip/during my absence.

I also wanted to introduce you to, and make sure you have the contact information for, my management team. Jeremy Sausser, Rachel Fiorill, and Rosanna Wells are Section Chiefs, and Julie Malec is the/my Senior Advisor for Enforcement. One (or more) of us will get in touch with you in the coming days.

Keep in touch!

From: Lynch, Garrett [mailto:LynchG@dany.nyc.gov]
Sent: Monday, August 01, 2016 12:36 PM
To: Dondarski, Michael
Subject: Request

Sir, I hope you're doing well in your new position and enjoying your summer.

We have a case that we intend to present to a grand jury in the next couple months that is similar to our IRISL case back in 2011 (and similar to SDNY's current Zarrab case), and I'm reaching out for a couple of reasons. We've spoken about the case in general terms before – it involves an Iranian company doing business in South America and receiving USD payments (cleared through the US) through front company accounts in Switzerland. Our evidence is pretty strong that our targets were aware of US sanctions and structured the USD payments to evade them and to disguise the Iranian

connection to the payments (moreover, our primary Iranian targets was a U.S. person for a chunk of the relevant period – he got his green card in 2012).

Anyway, we'd like to coordinate with OFAC for two reasons: (1) to provide you with information so you can take action on your own if so desired, and (2) we'd love to have an OFAC rep testify in the grand jury about US sanctions, IEEPA, the ITSRs, etc., as David Tessler did back in 2011 on the IRISL case. Who's the best person for us to contact about either or both? Thanks!

Best,
Garrett

This email communication and any files transmitted with it contain privileged and confidential information from the New York County District Attorney's Office and are intended solely for the use of the individuals or entity to whom it has been addressed. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this email is strictly prohibited. If you have received this email in error, please delete it and notify the sender by return email.

Lynch, Garrett

From: Rosanna.Wells@treasury.gov
Sent: Monday, August 8, 2016 9:08 AM
To: Lynch, Garrett
Cc: Hochhauser, Rachel; Maloney, Christina; Kaveh.Miremadi@treasury.gov; Alonzo.Bell@treasury.gov
Subject: RE: Thanks

Thanks Garrett. I'm looping in the two OFAC Enforcement Officers who were on the call.

From: Lynch, Garrett [mailto:LynchG@dany.nyc.gov]
Sent: Friday, August 05, 2016 10:32 AM
To: Wells, Rosanna
Cc: Hochhauser, Rachel; Maloney, Christina
Subject: Thanks

Rosie, thanks for the call – we'll be in touch soon.

Have a great weekend.

This email communication and any files transmitted with it contain privileged and confidential information from the New York County District Attorney's Office and are intended solely for the use of the individuals or entity to whom it has been addressed. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this email is strictly prohibited. If you have received this email in error, please delete it and notify the sender by return email.

Lynch, Garrett

From: Michael.Dondarski@treasury.gov
Sent: Friday, September 22, 2017 5:44 PM
To: Lynch, Garrett
Cc: Matthew.Laroche@usdoj.gov
Subject: RE: Case

Garrett,

It was great speaking with you all yesterday, and thanks for passing along the information below/attached. We'll take a look and will get back to you. And thanks for the well wishes!

Have a great weekend,

Mike

From: Lynch, Garrett [mailto:LynchG@dany.nyc.gov]
Sent: Friday, September 22, 2017 3:12 PM
To: Dondarski, Michael <Michael.Dondarski@treasury.gov>
Cc: Laroche, Matthew (USANYS) <Matthew.Laroche@usdoj.gov>
Subject: Case

Michael,

Thanks for the call yesterday. As always, great to chat with you. Attached is the powerpoint I mentioned which gives a rough sketch of the case, the players, and the evidence. Obviously, it's the tip of the iceberg – we're happy to share more information, records, etc.

Have a great weekend. Who know...maybe you'll be a father the next time we speak!

Garrett A. Lynch
Deputy Bureau Chief
Major Economic Crimes Bureau
New York County District Attorney's Office
(212) 335-4335
lynchg@dany.nyc.gov

This email communication and any files transmitted with it contain privileged and confidential information from the New York County District Attorney's Office and are intended solely for the use of the individuals or entity to whom it has been addressed. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this email is strictly prohibited. If you have received this email in error, please delete it and notify the sender by return email.

Lynch, Garrett

From: Michael.Dondarski@treasury.gov
Sent: Wednesday, September 20, 2017 4:08 PM
To: Lynch, Garrett
Subject: RE: Call

Hey Garrett,

Yeah, we're in the final stages and it seems it could be any day now. Excited and nervous at the same time.

Happy to chat tomorrow or Friday, though it could obviously change depending on the circumstances above. I'd normally have someone else from my office join or participate so they could continue the conversation in my absence, but my team is absolutely stretched thin at the moment, so it'll just be me for the time being.

Let me know what works best - - - my calendar is relatively open.

Best,
Mike

From: Lynch, Garrett [mailto:LynchG@dany.nyc.gov]
Sent: Wednesday, September 20, 2017 11:42 AM
To: Dondarski, Michael <Michael.Dondarski@treasury.gov>
Subject: RE: Call

Michael,

I hear you guys are in the home stretch – good luck!

This call with SDNY that I tried to set up back in July never happened – my apologies, there was a mix-up on with my colleague down there. Would you be able to do a call tomorrow or Friday? Again, we're planning to go in to a grand jury in the near future and wanted to run this case by you again.

Thanks, and all the best.

Garrett

From: Michael.Dondarski@treasury.gov [mailto:Michael.Dondarski@treasury.gov]
Sent: Friday, July 28, 2017 11:57 AM
To: Lynch, Garrett <LynchG@dany.nyc.gov>
Subject: RE: Call

Sounds good – thanks, you too!

From: Lynch, Garrett [mailto:LynchG@dany.nyc.gov]
Sent: Friday, July 28, 2017 11:13 AM
To: Dondarski, Michael <Michael.Dondarski@treasury.gov>
Subject: RE: Call

Ok – we'll try you after 3:00 on Monday – that seems to be the best time up here. Have a great weekend!

From: Michael.Dondarski@treasury.gov [mailto:Michael.Dondarski@treasury.gov]
Sent: Friday, July 28, 2017 11:09 AM
To: Lynch, Garrett <LynchG@dany.nyc.gov>
Subject: RE: Call

Thanks, Garrett - - - make sure to enjoy your vacation! Monday in the morning and early afternoon will be tough, but I should be available from 3:00 onwards. Otherwise I'm free on Tuesday other than a 10:30 – 11:30 and 2:00 – 3:00. Just let me know.

And do make sure to swing by if and when you're here – especially if it's in the building!

From: Lynch, Garrett [mailto:LynchG@dany.nyc.gov]
Sent: Friday, July 28, 2017 9:10 AM
To: Dondarski, Michael <Michael.Dondarski@treasury.gov>
Subject: RE: Call

Hello sir! No worries – I know how slammed you all are. I'm leaving on Vacation on Wednesday, so does early in the week work? My SDNY colleagues are available for a call on Monday, any time but 10:00 and 4:30. It looks like I'll be down there the week of August 14 (August 16, to be exact, on another matter involving Mrs. Dondarski). I'll try to swing by.

From: Michael.Dondarski@treasury.gov [mailto:Michael.Dondarski@treasury.gov]
Sent: Thursday, July 27, 2017 9:55 AM
To: Lynch, Garrett <LynchG@dany.nyc.gov>
Subject: RE: Call

Mr. Lynch,

My apologies for the delay in getting back to you - - - we had an enforcement action last week that took up all of my time, and then I had to head out-of-town unexpectedly for a few days.

My schedule is relatively free next week and the week after if you're looking for some time in early August – for either or both the call and in-person meeting. Any thoughts on your end?

From: Lynch, Garrett [mailto:LynchG@dany.nyc.gov]
Sent: Wednesday, July 12, 2017 5:40 PM
To: Dondarski, Michael <Michael.Dondarski@treasury.gov>
Subject: RE: Call

Great news, Mike! I'm very happy for you and Rachel – join the club! You have a ways to go before you catch up with my record of three kids during the pendency of one investigation, though...

Our visit to DC is a moving target at this point, so maybe we start with a call to refresh your memory. Why don't you shoot me some good dates/times and we can go from there.

All the best,
Garrett

From: Michael.Dondarski@treasury.gov [<mailto:Michael.Dondarski@treasury.gov>]
Sent: Wednesday, July 12, 2017 5:35 PM
To: Lynch, Garrett <LynchG@dany.nyc.gov>
Subject: RE: Call

Hi Garrett,

It's an absolute pleasure to hear from you, sir. I hope this email finds you well and that you've been enjoying the summer with the family. I can't recall if I mentioned it to you, but my wife and I are expecting our first in September --- very excited!

I do remember the case you all had been working on, and would be happy to touch base once to speak about it in greater detail. I recall we had some questions with regard to which entities or persons were being charged and the roles they played in the transactions/conspiracy, so it would be great to catch-up. Would that be best for an over the phone or in-person visit?

That's a perfect segway to say that it's always a pleasure to have a meet-and-greet with our friends from DANY. What weeks/dates were you thinking?

Again, I hope all is well and look forward to a possible meet-and-greet.

Best,
Mike

From: Lynch, Garrett [<mailto:LynchG@dany.nyc.gov>]
Sent: Wednesday, July 12, 2017 10:25 AM
To: Dondarski, Michael <Michael.Dondarski@treasury.gov>
Subject: Call

Michael,

Good morning, sir! I hope the summer is treating you well so far in the swamp. If you recall, I called you some time ago about an investigation we have involving Iran and Venezuela and a ton of USD payments flowing through the US to front companies in Switzerland. We're now working the case jointly with SDNY and I've been cross-designated as a SAUSA. It's likely we'll be presenting the case to a grand jury in the near future, so I thought it would be a good idea to touch base again and give you an overview of the facts, etc. since the indictment would charge a conspiracy to defraud the USG, conspiracy to violate IEEPA, etc.

If you have availability, I'm happy to schedule a call with my new colleagues, Matt Laroche and Andrew DeFilippis. We also need to come down to the DC area for a prudential review at Langley at the end of the month in the event you all want to meet in person (I always like an excuse to visit you and your team!).

Best,
Garrett

Garrett A. Lynch
Deputy Bureau Chief
Major Economic Crimes Bureau
New York County District Attorney's Office
(212) 335-4335
lynchg@dany.nyc.gov

Lynch, Garrett

From: Michael.Dondarski@treasury.gov
Sent: Tuesday, September 26, 2017 4:00 PM
To: Lynch, Garrett
Cc: Matthew.Laroche@usdoj.gov; Ethan.Walpole@treasury.gov;
Rosanna.Wells@treasury.gov
Subject: RE: Case

Garrett,

Thanks again for speaking last week and for passing along the slide deck. I'm copying Ethan Walpole and Rosie Wells from OFAC Enforcement on this email so they can coordinate with you on next steps or follow-up with any questions they have.

Best,
Mike

From: Lynch, Garrett [mailto:LynchG@dany.nyc.gov]
Sent: Friday, September 22, 2017 3:12 PM
To: Dondarski, Michael <Michael.Dondarski@treasury.gov>
Cc: Laroche, Matthew (USANYS) <Matthew.Laroche@usdoj.gov>
Subject: Case

Michael,

Thanks for the call yesterday. As always, great to chat with you. Attached is the powerpoint I mentioned which gives a rough sketch of the case, the players, and the evidence. Obviously, it's the tip of the iceberg – we're happy to share more information, records, etc.

Have a great weekend. Who know...maybe you'll be a father the next time we speak!

Garrett A. Lynch
Deputy Bureau Chief
Major Economic Crimes Bureau
New York County District Attorney's Office
(212) 335-4335
lynchg@dany.nyc.gov

This email communication and any files transmitted with it contain privileged and confidential information from the New York County District Attorney's Office and are intended solely for the use of the individuals or entity to whom it has been addressed. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this email is strictly prohibited. If you have received this email in error, please delete it and notify the sender by return email.

Lynch, Garrett

From: Michael.Dondarski@treasury.gov
Sent: Thursday, March 28, 2019 11:34 AM
To: Lynch, Garrett
Subject: CSE TransTel
Attachments: 20170727_transtel_web post.pdf; transtel_settlement.pdf

Importance: High

Take a look at the attached documents, which OFAC publicized in a civil monetary penalty enforcement action taken against a Singaporean company. The apparent violations related to U.S. Dollar transfers sent *through* U.S. financial institutions from the Singaporean entity to third-country parties for commercial projects/work conducted in Iran, so there are many similarities to your fact pattern.

ENFORCEMENT INFORMATION FOR JULY 27, 2017

Information concerning the civil penalties process can be found in the Office of Foreign Assets Control (OFAC) regulations governing each sanctions program; the Reporting, Procedures, and Penalties Regulations, 31 C.F.R. part 501; and the Economic Sanctions Enforcement Guidelines, 31 C.F.R. part 501, App. A. These references, as well as recent final civil penalties and enforcement information, can be found on OFAC's Web site at www.treasury.gov/ofac/enforcement.

ENTITIES – 31 CFR 501.805(d)(1)(i)

CSE Global Limited and CSE TransTel Pte. Ltd. Settle Potential Civil Liability for Apparent Violations of the International Emergency Economic Powers Act and the Iranian Transactions and Sanctions Regulations. CSE TransTel Pte. Ltd. ("TransTel"), a wholly-owned subsidiary of the international technology group CSE Global Limited ("CSE Global"), both of which are located in Singapore, has agreed to pay \$12,027,066 to settle its potential civil liability for 104 apparent violations of the International Emergency Economic Powers Act (IEEPA) and the Iranian Transactions and Sanctions Regulations, 31 C.F.R. part 560 (ITSR).¹ Specifically, from on or about June 4, 2012 to on or about March 27, 2013, TransTel appears to have violated § 1705 (a) of IEEPA and § 560.203 of the ITSR by causing at least six separate financial institutions to engage in the unauthorized exportation or re-exportation of financial services from the United States to Iran, a prohibition of § 560.204 of the ITSR.

OFAC determined that TransTel did not voluntarily self-disclose the apparent violations to OFAC, and that the apparent violations constitute an egregious case. Both the statutory maximum and base penalty civil monetary penalty amounts for the apparent violations were \$38,181,161.

Between August 25, 2010 and November 5, 2011, TransTel entered into contracts with, and received purchase orders from, multiple Iranian companies to deliver and install telecommunications equipment for several energy projects in Iran and/or Iranian territorial waters. TransTel hired and engaged a number of different third-party vendors – including several Iranian companies – to provide goods and services on its behalf in connection with the above-referenced contracts and purchase orders.

Prior and subsequent to entering into the above-referenced contracts, CSE Global and TransTel separately maintained individual U.S. Dollar (USD) and Singaporean Dollar accounts with a non-U.S. financial institution located in Singapore (the "Bank"). In a letter entitled "Sanctions – Letter of Undertaking," dated April 20, 2012 and signed by TransTel's then-Managing Director and CSE Global's then-Group Chief Executive Officer (referred to hereafter as the "Letter of Undertaking"), TransTel made the following statement to the Bank: "In consideration of [the Bank] agreeing to continue providing banking services in Singapore to our company, we, CSE

¹ On October 22, 2012, OFAC changed the heading of the Iranian Transactions Regulations to the ITSR, amended the renamed ITSR, and reissued them in their entirety. See 77 Fed. Reg. 64,664 (Oct. 22, 2012). For the sake of clarity, all references herein to the ITSR shall mean the regulations in 31 C.F.R. part 560 in effect at the time of the activity, regardless of whether such activity occurred before or after the regulations were renamed.

TransTel Pte. Ltd ... hereby undertake not to route any transactions related to Iran through [the Bank], whether in Singapore or elsewhere.” TransTel continued to receive banking services from the Bank after execution and delivery of its Letter of Undertaking.

Despite the written attestation that TransTel and CSE Global provided to the Bank, TransTel appears to have begun originating USD funds transfers from its USD-denominated account with the Bank that were related to its Iranian business beginning no later than June 2012 – less than two months after TransTel’s and CSE Global’s management signed and submitted the Letter of Undertaking.

From on or about June 4, 2012 to on or about March 27, 2013, TransTel appears to have violated § 1705 (a) of IEEPA and/or § 560.203 of the ITSR when it originated 104 USD wire transfers totaling more than \$11,111,000 involving Iran. TransTel initiated the wire transfers from its account with the Bank. The transactions were destined for multiple third-party vendors (including several Iranian parties) that supplied goods or services to or for the above-referenced energy projects in Iran, and all of the funds transfers were processed through the United States. None of the transactions contained references to Iran, the Iranian projects, or any Iranian parties.

For more information regarding the conduct that led to the apparent violations, please see the Settlement Agreement between OFAC and CSE Global and TransTel here.

The settlement amount reflects OFAC’s consideration of the following facts and circumstances, pursuant to the General Factors under OFAC’s Economic Sanctions Enforcement Guidelines, 31 C.F.R. part 501, app. A. OFAC considered the following to be aggravating factors: (1) TransTel willfully and recklessly caused apparent violations of U.S. economic sanctions by engaging in, and systematically obfuscating, conduct it knew to be prohibited, including by materially misrepresenting to its bank that it would not route Iran-related business through the bank’s branch in Singapore or elsewhere, and by engaging in a pattern or practice that lasted for 10 months; (2) TransTel’s then-senior management had actual knowledge of – and played an active role in – the conduct underlying the apparent violations; (3) TransTel’s actions conveyed significant economic benefit to Iran and/or persons on OFAC’s List of Specially Designated Nationals and Blocked Persons by processing dozens of transactions through the U.S. financial system that totaled \$11,111,812 and benefited Iran’s oil, gas, and power industries; and (4) TransTel is a commercially sophisticated company that engages in business in multiple countries.

OFAC considered the following to be mitigating factors: (1) TransTel has not received a penalty notice, Finding of Violation, or cautionary letter from OFAC in the five years preceding the date of the earliest transaction giving rise to the apparent violations; (2) TransTel and CSE Global have undertaken remedial steps to ensure compliance with U.S. sanctions programs; and (3) TransTel and CSE Global provided substantial cooperation during the course of OFAC’s investigation, including by submitting detailed information to OFAC in an organized manner, and responding to several inquiries in a complete and timely fashion.

This enforcement action highlights the sanctions compliance obligations of all individuals and entities that conduct business in OFAC-sanctioned jurisdictions or with OFAC-sanctioned parties

and that also process transactions directly or indirectly through the United States, or involving U.S. companies, or U.S.-origin goods, services, and technology. When signing letters of attestation or making other representations and warranties to financial institutions that provide access to the U.S. financial system, individuals and entities should consider carefully whether they are willing and able to act within the parameters of such agreements.

For more information regarding OFAC regulations, please go to: www.treasury.gov/ofac.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

SETTLEMENT AGREEMENT

This settlement agreement (the "Agreement") is made by and between CSE Global Limited ("CSE Global") and its subsidiary CSE TransTel Pte. Ltd. ("TransTel") (collectively referred to hereafter as "Respondent"), and the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC).

I. PARTIES

OFAC administers and enforces economic sanctions against targeted foreign countries, regimes, terrorists, international narcotics traffickers, and proliferators of weapons of mass destruction, among others. OFAC acts under Presidential national emergency authorities, as well as authority granted by specific legislation, to impose controls on transactions and freeze assets under U.S. jurisdiction.

TransTel, a wholly-owned subsidiary of the international technology group CSE Global, is based in Singapore and supplies telecommunications systems to the oil and gas sector. At the time the apparent violations described in the Agreement occurred, TransTel conducted business in Iran through, and owned a 49 percent stake in, TransTel Engineering Kish Co Ltd, an Iranian limited liability company.

II. RECITALS

WHEREAS, OFAC has conducted an investigation into Respondent's activities involving apparent violations by Respondent of certain provisions of the sanctions regulations administered by OFAC.¹

WHEREAS, OFAC administers and enforces a comprehensive trade embargo against Iran as set forth in the Iranian Transactions and Sanctions Regulations, 31 C.F.R. Part 560 (referred to hereafter as the ITSR or "Regulations"), issued under the authority of the International Emergency Economic Powers Act, 50 U.S.C. §§ 1701-06 (IEEPA), and other statutes.²

WHEREAS, Respondent and OFAC wish to settle any apparent violations of the Regulations by Respondent that OFAC identified during its investigation.

NOW THEREFORE, Respondent and OFAC (the "Parties") hereby agree as follows:

¹ "Sanctions regulations administered by OFAC" include economic and trade sanctions enacted pursuant to Presidential national emergency powers or other specific legislation. Such "sanctions regulations administered by OFAC" include, but are not limited to, Executive Orders and regulations issued pursuant to 18 U.S.C. § 2332d; 21 U.S.C. §§ 1901-08; 22 U.S.C. § 287c; 22 U.S.C. § 2370(a); 31 U.S.C. § 321(b); 50 U.S.C. §§ 1701-06; § 4301-4341. *See generally* 31 C.F.R. ch. V.

² On October 22, 2012, OFAC changed the heading of 31 C.F.R. Part 560 from the Iranian Transactions Regulations to the ITSR, amended the renamed ITSR, and reissued them in their entirety. *See* 77 Fed. Reg. 64,664 (Oct. 22, 2012). For the sake of clarity, all references herein to the ITSR shall mean the regulations in 31 C.F.R. Part 560 at the time of the activity, regardless of whether such activity occurred before or after the regulations were reissued.

ENF 41441

CSE Global Limited and CSE TransTel Pte. Ltd.

III. FACTUAL STATEMENT

Between August 25, 2010 and November 5, 2011, TransTel entered into contracts with, and received purchase orders from, multiple Iranian companies to deliver and install telecommunications equipment for the South Pars Gas Field in the Persian Gulf (located between the territorial waters of Iran and Qatar), the South Pars Power Plant in Assalouyeh, Iran, and the Reshadat Oil Field in the Persian Gulf (operated by the Iranian Offshore Oil Company). At the time of the contracts and the apparent violations described in the Agreement, at least two of the Iranian companies that TransTel contracted or engaged with, Petropars³ and SADRA,⁴ were identified or designated on OFAC's List of Specially Designated Nationals and Blocked Persons (the "SDN List"). The other Iranian companies included Ayra Naft Shahab Co., Oil Industries Engineering and Constructions, and the Iranian Offshore Engineering and Construction Company.

In addition to providing goods, services, and equipment for these projects, TransTel hired and engaged a number of different third-party vendors—including several Iranian companies—to provide goods and services on its behalf in connection with the above-referenced contracts and purchase orders. CSE Global stated that it instructed TransTel to screen certain third-party vendors for OFAC purposes. All of the invoices associated with the third-party vendors required TransTel to make payments to the third-party vendors for goods and services provided in connection with the above-referenced projects.

Prior and subsequent to entering into the above-referenced contracts, CSE Global and TransTel separately maintained individual U.S. Dollar (USD) and Singaporean Dollar accounts with a non-U.S. financial institution located in Singapore (the "Bank"). Respondent provided the Bank with a letter entitled "Sanctions – Letter of Undertaking," dated April 20, 2012, signed by TransTel's then-Managing Director and CSE Global's then-Group Chief Executive Officer (CEO) (referred to hereafter as the "Letter of Undertaking").

TransTel made the following statement to the Bank in its Letter of Undertaking:

In consideration of [the Bank] agreeing to continue providing banking services in Singapore to our company, we, CSE Transtel Pte. Ltd ... hereby undertake not to route any transactions related to Iran through [the Bank], whether in Singapore or elsewhere.

TransTel continued to receive banking services from the Bank after execution and delivery of its Letter of Undertaking.

³ On June 16, 2010, OFAC identified Petropars as an entity that was owned or controlled by the Government of Iran and added it to the SDN List. On January 16, 2016, OFAC removed Petropars from the SDN List and placed it on the List of Persons Identified as Blocked Solely Pursuant to Executive Order 13599, "Blocking Property of the Government of Iran and Iranian Financial Institutions." Any property or interests in property of Petropars that come within the United States or in the possession or control of a U.S. person must be blocked.

⁴ On March 28, 2012, OFAC designated Iran Maritime Industrial Company SADRA pursuant to Executive Order 13382, "Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters," and added it to the SDN List.

ENF 41441**CSE Global Limited and CSE TransTel Pte. Ltd.**

Despite the written attestation that TransTel and CSE Global provided to the Bank, TransTel appears to have begun originating USD funds transfers from its USD-denominated account with the Bank that were related to its Iranian business beginning no later than June 2012—less than two months after TransTel's and CSE Global's management signed and submitted the Letter of Undertaking. The transactions were destined for multiple third-party vendors (including several Iranian parties) that supplied goods or services to or for the above-referenced energy projects in Iran, and all of the funds transfers were processed through the United States. None of the transactions contained references to Iran, the Iranian projects (*i.e.*, South Pars Gas Field, South Pars Power Plant, or Reshadat Oil Field), or to any Iranian parties.

From on or about June 4, 2012 to on or about March 27, 2013, TransTel originated 104 funds transfers totaling \$11,111,812 from its USD-denominated account at the Bank that were processed through the United States and related to the provision or supply of goods or services to Iran and/or persons located in Iran. (*See* attached Penalty Calculation Spreadsheet). These transactions were processed through the United States and caused multiple financial institutions—including several U.S. financial institutions—to engage in the prohibited exportation or re-exportation of financial services from the United States to Iran. TransTel appears to have had explicit knowledge and reason to know that the transactions were destined for or involved, or that the benefit of these funds transfers would be received in, Iran. As a result, TransTel appears to have violated § 1705 (a) of IEEPA, which makes it "...unlawful for a person to violate...or cause a violation of any...regulation, or prohibition issued under this chapter," and/or § 560.203 of the ITSR, which prohibits "any transaction ... [that] causes a violation of ... any of the prohibitions set forth" in the ITSR, by causing these financial institutions to engage in apparent violations of § 560.204 of the ITSR.

Maximum Penalty:

Pursuant to IEEPA, Respondent could be subject to a maximum civil monetary penalty totaling \$38,181,161.

Base Penalty:

OFAC has determined that Respondent did not make a voluntary self-disclosure of the apparent violations, and that the apparent violations constitute an egregious case. Accordingly, the base civil monetary penalty for the apparent violations equals the sum of the maximum statutory civil monetary penalty amount for each apparent violation, which in this case totals \$38,181,161.

IV. Terms of Settlement

OFAC and Respondent agree as follows:

1. In consideration of the undertakings of Respondent in paragraph 2 below, OFAC agrees to release and forever discharge Respondent, without any finding of fault, from any and

ENF 41441

CSE Global Limited and CSE TransTel Pte. Ltd.

all civil liability in connection with the Apparent Violations⁵ arising under the legal authorities that OFAC administers.

2. In consideration of the undertakings of OFAC in paragraph 1 above, Respondent agrees:

A. Within fifteen (15) days of the date Respondent receives the unsigned copy of this Agreement, to:

(i) sign, date, and mail an original signed copy of this Agreement to: [REDACTED], Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220. Respondent should retain a copy of the signed Agreement and a receipt or other evidence that shows the date that Respondent mailed the signed Agreement to OFAC; and

(ii) pay or arrange for the payment to the U.S. Department of the Treasury the amount of **\$12,027,066**. Respondent's payment must be made either by electronic funds transfer in accordance with the enclosed "Electronic Funds Transfer (EFT) Instructions," or by cashier's or certified check or money order payable to the "U.S. Treasury" and referencing **ENF 41441**. Unless otherwise arranged with the U.S. Department of the Treasury's Bureau of the Fiscal Service, Respondent must either: (1) indicate payment by electronic funds transfer, by checking the box on the signature page of this Agreement; or (2) enclose with this Agreement the payment by cashier's or certified check or money order.

B. To waive (i) any claim by or on behalf of Respondent, whether asserted or unasserted, against OFAC, the U.S. Department of the Treasury, and/or its officials and employees arising out of the facts giving rise to the enforcement matter that resulted in this Agreement, including but not limited to OFAC's investigation of the Apparent Violations and the issuance of the Pre-Penalty Notice, and (ii) any possible legal objection to this Agreement at any future date.

C. That Respondent has terminated the conduct that led to the Apparent Violations described in this Agreement and has established, and agrees to maintain, policies and procedures that prohibit, and are designed to minimize the risk of the occurrence of, similar conduct in the future.

Should OFAC determine, in the reasonable exercise of its discretion, that Respondent has willfully and materially breached its obligations under paragraph 2 above, OFAC shall provide written notice to Respondent of the alleged breach and provide Respondent with 30 days from the date of Respondent's receipt of such notice, or longer as determined by OFAC, to demonstrate that no willful and material breach has occurred or that any breach has been cured. In the event that OFAC determines that a willful and material breach of this Agreement has occurred, OFAC will provide notice to Respondent of its determination, and this Agreement shall be null and void, and

⁵ "Apparent Violations" is defined to include all Iran-related apparent violations of economic sanctions administered by OFAC referenced in this document that may have occurred from on or about June 4, 2012 to on or about March 27, 2013.

ENF 41441

CSE Global Limited and CSE TransTel Pte. Ltd.

the statute of limitations applying to activity occurring on or after March 24, 2012 shall be deemed tolled until a date 180 days following Respondent's receipt of notice of OFAC's determination that a breach of this Agreement has occurred.

This Agreement does not constitute a final agency determination that a violation has occurred, and shall not in any way be construed as an admission by Respondent that Respondent engaged in the Apparent Violations.

This Agreement has no bearing on any past, present, or future OFAC actions, including the imposition of civil penalties, with respect to any activities by Respondent other than those set forth in the Apparent Violations.

OFAC may, in its sole discretion, post on OFAC's website this entire Agreement and/or issue a public statement about the facts of this Agreement, including the identity of any entity involved, the settlement amount, and a description of the Apparent Violations.

This Agreement consists of six pages and one spreadsheet, and expresses the complete understanding of OFAC and Respondent regarding resolution of OFAC's enforcement matter involving the Apparent Violations. No other agreements, oral or written, exist between OFAC and Respondent regarding resolution of this matter.


This Agreement shall inure to the benefit of and be binding on each party, as well as its respective successors or assigns. Use of facsimile signatures shall not delay the approval and implementation of the terms of this Agreement. In the event any party to this Agreement provides a facsimile signature, the party shall substitute the facsimile with an original signature. The Agreement may be signed in multiple counterparts, which together shall constitute the Agreement. The effective date of the Agreement shall be the latest date of execution.

[THIS SPACE IS LEFT INTENTIONALLY BLANK]

ENF 41441

CSE Global Limited and CSE TransTel Pte. Ltd.

Respondent accepts the terms of this Settlement Agreement this 15 day of July, 2017.



Signature

LIM BOON KIEN

Respondent's Printed Name (or in the case of an entity, the name of Respondent's Duly Authorized Representative)

DIRECTOR CSE TransTel Pte Ltd &

DIRECTOR CSE GLOBAL LIMITED

Printed Title of Respondent's Duly Authorized Representative and Name of Entity (if applicable)

☒ Please check this box if you have not enclosed payment with this Agreement and will instead be paying or have paid by electronic funds transfer (see paragraph 2(A)(ii) and the Electronic Funds Transfer Instructions enclosed with this Agreement).

Date: July 19, 2017



John E. Smith

Director

Office of Foreign Assets Control

Enclosure

EXHIBIT 105-2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

ALI SADR HASHEMI NEJAD,

Defendant.

DECLARATION

18 CR 224 (ALC)

I, GARRETT A. LYNCH, pursuant to Title 28, United States Code, Section 1746, declare under penalty of perjury:

1. I am an attorney admitted to the bar of the State of New York, and an Assistant District Attorney in the New York County District Attorney's Office ("DANY"), as well as a Special Assistant United States Attorney for the Southern District of New York responsible for this matter.

2. In January 2012, at DANY, I was assigned to work on an investigation into Commerzbank, A.G., a German bank under investigation by DANY, the United States Department of Justice ("DOJ"), and multiple regulatory agencies since January 2011 related to violations of U.S. sanctions laws and regulations during the period 2002 through 2007.

3. During the course of that investigation, DANY received voluminous record from Commerzbank, include records related to voluntary disclosures made by the Commerzbank branch in New York the United States Department of Treasury's Office of Foreign Assets Control ("OFAC") during the course of the investigation (but unrelated to the historical conduct under investigation). In total, DANY received approximately 215 pages related to approximately 15

such disclosures, with dates ranging between March 2010 and October 2014. I reviewed these disclosures during the course of the Commerzbank investigation.

4. The Government exhibit in this case marked GX 411, dated June 16, 2011, was included in the approximately 215 pages of disclosures produced by Commerzbank in that investigation. I reviewed these productions at or about the time that I received them.

5. The DANY and DOJ investigation into Commerzbank was resolved in March 2015 when Commerzbank entered into deferred prosecution agreements with DANY and DOJ.

6. I was first assigned to work on the DANY investigation related to the defendant, Ali Sadr Hashemi Nejad, in May 2015.

7. On or about August 31, 2015, DANY issued a subpoena to Commerzbank's New York branch seeking records related to a specific U.S. dollar transaction, as well as any wire transfer records related several entities involved in this case (e.g., Fondo Chino, PDVSA, Stratus International Contracting, J.S., Stratus Global Investments, and Clarity Trade and Finance). DANY received records in response to that subpoena in October 2015. Ex. A.

8. On or about May 19, 2016, I had a conversation with a supervisory enforcement officer at OFAC with whom I had dealt on past cases involving U.S. sanctions laws and regulations. During the course of that call, I outlined the general facts of the case to get this individual's informal thoughts about whether the conduct under investigation potentially violated U.S. sanctions laws and regulations. He confirmed that the scenario I outlined would constitute a violation. Ex. B.

9. On or about August 1, 2016, when DANY was preparing to present the case to a grand jury in New York County, I emailed the same OFAC supervisor to (a) line up an OFAC

witness for possible grand jury testimony, and (2) to offer the information to OFAC for their own enforcement purposes. The OFAC supervisor responded by offering to put DANY in touch with an enforcement officer, and he copied his management team. Ex. C.

10. On or about August 5, 2016, I had a telephone call with an OFAC enforcement officer in which I briefed her on the general facts of the case. Ex. D.

11. On September 22, 2017, after my appointment as a Special Assistant United States Attorney in June 2017, I had another call with the OFAC supervisor while preparing to present the case to a federal grand jury, in which I outlined the facts of the case again for purposes of getting OFAC's thoughts on the proposed federal charges. Following the call, I sent him a PowerPoint presentation outlining the case. Ex. E.

12. On September 26, 2017, I received an email from the OFAC supervisor on which he copied two enforcement officers with whom the prosecution team could follow up with any questions. Ex. F.

13. Later, on March 28, 2019, after an unrelated phone call with the OFAC supervisor in which the status of the instant criminal case was raised, he email me two documents related to a public enforcement action OFAC had taken with a fact pattern he believed to be similar to this case based upon our discussions. Ex. G.

14. I have no further records reflecting communications about this case with OFAC.

15. During the course of above-described emails and phone calls, I provided OFAC with information about the investigation in an effort to get OFAC's views about the general facts to further our own criminal case. I never inquired or learned whether OFAC took any independent steps to investigate any of the entities, individuals, or banks involved in this case as a

result of the information we had shared with OFAC, or whether OFAC had conducted any investigations (or, conversely, had declined to do so) related to information it had independently obtained in the past related to any of the relevant individuals and entities. Further, during the course of the above-described phone calls and conversations, I never discussed the document (or information) contained in GX 411 with anyone at OFAC, nor did I learn what action, if any, OFAC took (or didn't take) in response to receiving that document.

16. Later, in preparation for trial, in an effort to uncover any document possibly relevant to the case, I searched a file in my office containing records received from Commerzbank during the course of the separate investigation into Commerzbank which had concluded in March 2015 and identified the document later marked as GX 411, which I emailed to other members of the prosecution team at the U.S. Attorney's Office on January 20, 2020.

17. In response to the Court's Order of March 9, 2020, I and other supervisory members of my bureau contacted all five Assistant District Attorneys who worked on the case during the course of DANY's investigation, four of whom no longer work at the office. Two of the five stated that they never had any contact with OFAC during their time on the investigation, and three of the five stated that they have no recollection of speaking to anyone from OFAC, beyond possible scheduling matters when DANY was preparing to present the case to a New York State grand jury in 2016.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing information is true and correct.

Dated: New York, New York
March 9, 2020

Garrett A. Lynch
Special Assistant United States Attorney